

JOURNAL
OF THE
SENATE

OF THE
STATE OF KANSAS

FOR THE

2017 Legislative Session
January 9 through June 26, 2017

HELD AT THE

STATE CAPITOL
TOPEKA, KANSAS

COREY CARNAHAN, *Secretary of the Senate*

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Governor

SAM BROWNBACK, Topeka

Lieutenant Governor

JEFF COLYER, Overland Park



OFFICERS OF THE SENATE

2017 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
2017 LEGISLATIVE SESSION
Members Listed Alphabetically

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

* Richard Hilderbrand sworn in May 1, 2017 to replace Jacob LaTurner, resigned.

**SENATE COMMITTEE ASSIGNMENTS
2017 LEGISLATIVE SESSION**

Standing Committees

Agriculture and Natural Resources (9)

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

Assessment and Taxation (9)

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

Commerce (11)

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

Confirmation Oversight (6)

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

Education (11)

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

Ethics, Elections and Local Government (9)

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

Federal and State Affairs (9)

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

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

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

Financial Institutions and Insurance (9)

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

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

Rogers, *Ranking Minority Member*; Hensley.

Interstate Cooperation (7)

On Call

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

Judiciary (11)

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

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

Haley, *Ranking Minority Member*; Pettey.

Organization, Calendar and Rules (3)

On Call

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

Public Health and Welfare (9)

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

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

Kelly, *Ranking Minority Member*; Pettey.

Select Committee on Education Finance (9)

On Call

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

Hensley, *Ranking Minority Member*; Pettey.

Transportation (11)

8:30 am

Room 546-S

Petersen, *Chairperson*; Doll, *Vice Chairperson*; Fitzgerald, Goddard, Hardy, Hilderbrand, Schmidt, Skubal, Tyson.
Petty, *Ranking Minority Member*; Hawk.

Utilities (11)

1:30 pm

Room 548-S

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

Ways and Means (13)

10:30 am

Room 548-S

McGinn, *Chairperson*; Billinger, *Vice Chairperson*; Alley, Berger, Denning, Doll, Goddard, Kerschen, Schmidt, Skubal.
Kelly, *Ranking Minority Member*; Hawk, Hensley.

JOINT COMMITTEES OF THE SENATE AND HOUSE

Administrative Rules and Regulations

On Call

(5 Senate – 7 House)

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

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

Corrections and Juvenile Justice Oversight

On Call

(7 Senate – 7 House)

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

House Members: Jennings, *Chair*; Campbell, Carlin, Davis, Finney, Highberger, Humphries.

Information Technology

On Call

(5 Senate – 5 House)

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

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

Kansas Security

On Call

(5 Senate – 5 House)

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

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

Legislative Budget Committee

On Call

(3 Senate – 4 House)

McGinn, *Vice Chairperson*; Billinger, Kelly.

House Members: .

Legislative Coordinating Council

On Call

(3 Senate – 4 House)

Wagle, *Chairperson*; Denning, Hensley.

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

Legislative Post Audit

On Call

(5 Senate – 5 House)

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

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

Pensions, Investments and Benefits

On Call (5 Senate – 8 House)

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

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

On Call (5 Senate – 6 House)

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

Special Claims Against the State

On Call (3 Senate – 4 House)

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

State Building Construction

On Call (5 Senate – 5 House)

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

State Tribal Relations

On Call (5 Senate – 5 House)

Estes, *Chairperson*; Givens, Haley, Hilderbrand, Pettey.
Osterman, Vice Chairperson; Awerkamp, Garber, Lusk, Victors.

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

Alley, Larry W.

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

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

Baumgardner, Molly

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

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

Berger, Ed

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

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

Billinger, Richard (Rick)

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

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

Bollier, Barbara

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

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

Bowers, Elaine

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

Majority Whip

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

Denning, Jim

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

Majority Leader

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

Doll, John

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

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

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

Minority Whip

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

Fitzgerald, Steve

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

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

Francisco, Marci

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

Agenda Chair

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

Givens, Bruce

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

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

Goddard, Dan

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

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

Haley, David

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

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

Hardy, Randall R.

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

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

Hawk, Tom

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

Caucus Chair

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

Hensley, Anthony

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

Minority Leader

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

Hilderbrand, Richard *(Appointed to replace Jacob LaTurner; began serving May 1, 2017)*

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

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

Holland, Tom

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

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

Kelly, Laura

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

Assistant Minority Leader

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

Kerschen, Dan

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

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

LaTurner, Jacob *(Resigned April 30, 2017)*

Republican, District 13
 Room 136-E
 (785) 296-7370

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

Longbine, Jeff

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

Vice President**Committee**

Financial Institutions and Insurance
 Pensions, Investments and Benefits
 (Joint)

Rank

Chair
 Vice Chair

Time

9:30 am
 On Call

Room

546-S

Confirmation Oversight
 Federal and State Affairs
 Interstate Cooperation
 Organization, Calendar and Rules

Member
 Member
 Member
 Member

On Call
 10:30 am
 On Call
 On Call

144-S

Lynn, Julia

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

Committee

Commerce
 Judiciary
 Assessment and Taxation
 Legislative Post Audit (Joint)
 Utilities

Rank

Chair
 Vice Chair
 Member
 Member
 Member

Time

8:30 am
 10:30 am
 9:30 am
 On Call
 1:30 pm

Room

548-S
 346-S
 548-S
 On Call
 548-S

Masterson, Ty

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

Committee

Federal and State Affairs
 Pensions, Investments and Benefits
 (Joint)
 Public Health and Welfare
 Utilities

Rank

Member
 Member
 Member
 Member

Time

10:30 am
 On Call
 9:30 am
 1:30 pm

Room

144-S
 On Call
 118-N
 548-S

McGinn, Carolyn

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

Committee	Rank	Time	Room
Ways and Means	Chair	10:30 am	548-S
Select Committee on Education Finance	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	
State Building Construction (Joint)	Member	On Call	

Olson, Robert “Rob”

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

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

Petersen, Mike

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

Committee	Rank	Time	Room
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
Judiciary	Member	10:30 am	346-S

Petty, Pat

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

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

Pilcher-Cook, Mary

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

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

Pyle, Dennis

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

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

Rogers, Lynn W.

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

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

Schmidt, Vicki**Assistant Majority Leader**

Republican, District 20
 Room 441-E
 (785) 296-7374

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

Skubal, John

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

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

Suellentrop, Gene

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

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

Sykes, Dinah H.

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

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

Taylor, Mary Jo

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

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

Tyson, Caryn

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

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

Wagle, Susan

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

President**Committee**

Interstate Cooperation
 Organization, Calendar and Rules
 Legislative Coordinating Council (Joint)
 Confirmation Oversight

Rank

Chair
 Chair
 Chair
 Member

Time

On Call
 On Call
 On Call
 On Call

Room**Wilborn, Rick**

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

Committee

Judiciary
 Corrections and Juvenile Justice
 Oversight (Joint)
 Financial Institutions and Insurance
 Utilities

Rank

Chair
 Member
 Member
 Member

Time

10:30 am
 On Call
 9:30 am
 1:30 pm

Room

346-S

 546-S
 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

2017-2018

January 2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATE JOURNAL

PROCEEDINGS

OF THE

Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2017 REGULAR SESSION

January 9 through June 26, 2017

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 2017.

Journal of the Senate

PREORGANIZATIONAL MEETING OF SENATE MEMBERS-ELECT

SENATE CHAMBER, TOPEKA, KANSAS
Monday, December 5, 2016, 10:00 a.m.

In accordance with the provisions of K.S.A. 46-142, Craig McCullah, Office of the Secretary of State, called the pre-organizational meeting of the 2017 Session of the Kansas Legislature to order.

The roll was called by Mr. McCullah from the list of members-elect as certified by the State Board of Canvassers:

STATE OF KANSAS SECRETARY OF STATE

I, KRIS KOBACH, Secretary of State, do hereby certify that the following persons were elected members of the Senate of the State of Kansas for a four-year term beginning on the second Monday of January, A.D. 2017.

District

1. Dennis D. Pyle
2. Marci Francisco
3. Tom Holland
4. David Haley
5. Steve Fitzgerald
6. Pat Pettey
7. Barbara Bollier
8. Jim Denning
9. Julia Lynn
10. Mary Pilcher-Cook
11. John Skubal
12. Caryn Tyson
13. Jacob LaTurner
14. Bruce Givens
15. Dan Goddard
16. Ty Masterson
17. Jeff Longbine
18. Laura Kelly
19. Anthony Hensley
20. Vicki L. Schmidt

District

21. Dinah H. Sykes
22. Tom Hawk
23. Rob Olson
24. Randall R. Hardy
25. Lynn W. Rogers
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. Edward E. Berger
35. Richard Wilborn
36. Elaine S. Bowers
37. Molly Baumgardner
38. Bud Estes
39. John Doll
40. Richard (Rick) Billinger

DECEMBER 5, 2016

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 1st day of December, A.D. 2016.

KRIS KOBACH
Secretary of State

ERIC RUCKER
Assistant Secretary of State

Forty members-elect were present.

Mr. McCullah appointed Senator Petersen to serve as temporary chairperson of the meeting.

Senator Petersen announced that in accordance with K.S.A. 42-142(b) upon adjournment, the majority and minority parties will caucus and nominate their candidates, respectively, for president and vice-president of the Senate for the next ensuing four years and select respectively, their majority leader, minority leader, and other caucus or party officers.

The location of the Majority Party Caucus will be in the Senate Chamber. The location of the Minority Party Caucus will be in Room 287-N.

There being no further matters to be brought before the meeting for consideration that are necessary or proper to aid the Legislature in performing its functions when they convene on Monday, January 9, 2017, the meeting was adjourned.

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 9, 2017, 2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and KSA 46-142(d), the 2017 Session of the Kansas Legislature was called to order by Secretary of State, Kris Kobach.

INVOCATION

Secretary Kobach recognized Kourtney Martin, daughter of Senator Dennis Pyle, who sang the Lord's Prayer:

Our Father, Who art in Heaven
Hallowed be Thy name.
Thy Kingdom come, Thy will be done
On earth as it is in Heaven.
Give us this day, our daily bread,
And forgive us our debts, as we forgive our debtors.
Lead us not into temptation
But deliver us from evil.
For Thine is the Kingdom, and the power
And the glory, forever and ever, Amen.

The Pledge of Allegiance was led by Secretary Kobach.
Secretary Kobach appointed Corey Carnahan to serve as temporary Secretary of the Senate until such time as a permanent Secretary is appointed.

Secretary Kobach requested the reader to call the roll of the Senate from the certified list of members-elect as submitted by the Secretary of State and recorded in the preorganizational meeting on December 5, 2016.

Forty members-elect were present.

Secretary Kobach introduced the Honorable Marla Luckert, Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly-elected Senators.

OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

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

District

1. Dennis D. Pyle
2. Marci Francisco
3. Tom Holland
4. David Haley
5. Steve Fitzgerald
6. Pat Pettey
7. Barbara Bollier
8. Jim Denning
9. Julia Lynn
10. Mary Pilcher-Cook
11. John Skubal
12. Caryn Tyson
13. Jacob LaTurner
14. Bruce Givens
15. Dan Goddard
16. Ty Masterson
17. Jeff Longbine
18. Laura Kelly
19. Anthony Hensley
20. Vicki L. Schmidt

District

21. Dinah H. Sykes
22. Tom Hawk
23. Rob Olson
24. Randall R. Hardy
25. Lynn W. Rogers
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. Edward E. Berger
35. Richard Wilborn
36. Elaine S. Bowers
37. Molly Baumgardner
38. Bud Estes
39. John Doll
40. Richard (Rick) Billinger

Subscribed and sworn to, or affirmed, before me this 9th day of January, 2017.

MARLA LUCKERT

Justice of the Supreme Court

CAUCUS REPORTS

**Majority Party Caucus
December 5, 2016**

The members-elect of the majority party of the Senate have met and caucused as required by K.S.A. 46-142 and:

(a) Nominate as their candidates for the following offices for the next ensuing four years:

- (1) President of the Senate, Susan Wagle
 - (2) Vice President of the Senate, Jeff Longbine
- (b) Select the following caucus or party officers:
- (3) Majority Leader, Jim Denning
 - (4) Assistant Majority Leader, Vicki Schmidt
 - (5) Majority Whip, Elaine Bowers

SUSAN WAGLE

Chairperson

Majority Party Caucus

**Minority Party Caucus
December 5, 2016**

The 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 or party officers:

- (a) Democratic Leader, Anthony Hensley
- (b) Assistant Democratic Leader, Laura Kelly
- (c) Democratic Whip, Oletha Faust-Goudeau
- (d) Agenda Chair, Marci Francisco
- (e) Caucus Chair, Tom Hawk

ANTHONY HENSLEY
Chairperson
Minority Party Caucus

Secretary Kobach proceeded with the business of the election of officers of the Senate. Senator Denning then placed in nomination the name of Senator Susan Wagle for the office of President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator Wagle was elected by acclamation.

In compliance with the Majority Caucus Report, Senator Denning placed in nomination the name of Senator Jeff Longbine for the office of Vice President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator Longbine was elected by acclamation.

Secretary Kobach requested Senators Denning and Hensley to escort the newly elected Vice President to the front of the Senate Chamber, where Justice Luckert administered the Oath of Office.

OATH OF OFFICE

I do solemnly swear, or affirm, that I will support the Constitution of United States and the Constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas State Senate.

JEFF LONGBINE
Vice President

Subscribed and sworn to, or affirmed, before me the 9th day of January, 2017.

MARLA LUCKERT
Justice of the Supreme Court

Secretary Kobach requested Senators Denning and Hensley to escort the newly elected President to the front of the Senate Chamber, where Justice Luckert administered the Oath of Office.

OATH OF OFFICE

I do solemnly swear, or affirm, that I will support the Constitution of United States and the Constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas State Senate.

SUSAN WAGLE
President

Subscribed and sworn to, or affirmed, before me the 9th day of January, 2017.

MARLA LUCKERT
Justice of the Supreme Court

Secretary Kobach passed the gavel to President Wagle.

REMARKS BY PRESIDENT WAGLE

To my colleagues: thank you all for the votes of confidence you've given me today to lead this body as we get to work on behalf of our fellow Kansans. I am deeply humbled by your support, and it is truly an honor to serve in this distinguished chamber as your Senate President for another term. Four years ago, I committed to each of you that I would lead in an inclusive manner. I promised that my door would always be open, and while we ultimately would not all agree on every issue that came before us, I committed to work hard to ensure that every Senator be heard, appreciated and respected. Your vote today is affirmation that we are truly a partnership, with each of us holding an equal stake in managing the affairs that come before us as we set out on our quest for a Better Kansas.

I would also like to thank my family. Most of all, my husband, Tom, who as a legislative spouse has always taken on extra family duties in my absence; my children, who continue to support their mom participating in elective politics, even though they have seen misrepresentations broadcast over social media; and my grandchildren, some of whom have yet to experience climbing the top of the dome. As you can see, some of them are still growing into that very special experience we provide for our Capitol visitors.

As you all know, when we take the oath of office, our families take an oath, too: to understand when we have to miss soccer games or piano recitals, to ignore the sometimes not-so-flattering headlines that include our names, and to support us through the ups and downs. So, to all the families and friends here today, I'd like to personally thank you for the sacrifices you make so that your loved ones may serve our great state.

In recent weeks, I've had the good fortune of speaking to Kansans from all walks of life at a variety of public events. Candidly, I've also spoken to many understandably frustrated Kansans.

I remind these Kansans that legislators don't run for office for fame or fortune – in fact, quite the contrary. It often seems like the news and the media are often more critical than they are supportive of the positions legislators take on policy issues, and the salary received for the commitment and time inherently required to be a legislator is woefully short of what similar labor would earn in the open market.

This leads me to reminding Kansans why legislators *do* run for office.

As a veteran of this community, I'm proud to share with Kansans that legislators run

for office because they have a cause. They think something needs to be fixed. And they think they can fix it. They are optimists. They are “can do” personalities. They relish the thought of a challenge and their singular objective is to improve the quality of life for their families, their neighbors, and other Kansans.

As I look around this room, I know that each and every one of you fit this mold. Your ideas and experiences are going to be vital to the success of this body during this critical period in our state’s history. I hope that we can hold to our convictions, find common ground, share our message with our constituents, and get this economy back to working for Kansans. Now is the time for bold ideas.

2017 promises to be a historic year. While we certainly have our challenges, if we work together, we will ensure that history is kind to us. Today, we face a record \$350 million shortfall. Kansans must balance their budgets and live within their means – they rightfully expect the same of their elected officials. We will soon learn of the Governor’s recommendations for addressing this devastating metric: we will roll up our sleeves, and we will get to work. It will be incumbent upon this legislative body to remain united and to act swiftly. The sooner we provide budget stability and predictability, the better our state-funded entities will be able to adjust. We know the challenges we have ahead of us, but we’re ready to find permanent solutions to these challenges.

The eyes of the state and the nation will be on us – and I promise, as the leader of this body, to work relentlessly to create a Better Kansas. We will be required to balance the needs of individual taxpayers and businesses against the needs of funding our basic services. It will be a daunting, and at times, overwhelming task. A task where I, and your leadership team, will need to be open to your recommendations, and where you, likewise, will need to be open to all the voices who want to share their concerns back home.

To that end, it is my hope that we provide long-term budget solutions and stability for the State of Kansas this year. It is also my goal that our budget resolution encourages all Kansans and sparks a new optimism in our residents. Ultimately, our solution must inspire Kansans to open their checkbooks, make home and auto investments, and plant their roots in the state, and it must inspire businesses to also invest and grow. Upward mobility, prosperity and opportunity for all Kansans must be our unified vision, our ultimate objective, the end we seek, as we resolve our shortfall in the coming weeks. Taken together, these inputs will produce a Better Kansas. Now, let’s get to work.

REMARKS BY MINORITY LEADER HENSLEY

Madam President: On behalf of the Senate Democratic caucus, I first want to congratulate you on your re-election to another term as President of the Kansas Senate. You have once again made history by being the first woman to be re-elected Senate President and we applaud you for that.

I also take this opportunity to congratulate the other Senate Republicans who were elected to their caucus leadership positions. The members of our caucus look forward to working with you over the next four years.

We pledge to work with you but also realize that there will be those times in the process when we will “agree to disagree.”

I want to thank my fellow Democratic Senators for electing me to once again serve as their leader. This is a high honor you have given me and I will do my best to represent you.

I especially want to welcome the fourteen new Senators to my hometown and to this historic chamber. I can assure you that even after 40 years of serving my constituents in the Kansas Legislature, I am excited as always to begin a new term and a new legislative session. And, I welcome our family members to the Senate and thank them for supporting us during the 2016 election campaigns. I also thank you in advance for your patience and understanding while we are away from you during our time spent here in this legislative session and the sessions ahead.

I've always believed that the two-party system of government is good for the political process and good for the people of Kansas. That is why I thank the men and women who put their name and reputation on the line to run for state senate on the Democratic ticket.

But, now that the elections are over, and the oaths of office have been administered, we begin the legislative process of debating and deciding public policy.

It goes without saying that we face several major challenges in the 2017 session, not the least of which is a \$350 million shortfall in the current fiscal year, developing a new school finance formula, restoring basic fairness to our state's tax system, keeping rural hospitals open, and maintaining the best possible safety net for the people of Kansas, particularly the most vulnerable among us.

I know I speak for our caucus when I express my hope that we will meet these challenges in a spirit of inclusion and bi-partisanship.

I'm also hopeful that we take to heart Dwight Eisenhower's advice on the east wall of the Capitol visitor's center: "The opportunist thinks of me and today. The statesman thinks of us and tomorrow."

In previous debates on this floor, I have on several occasions referred to Presidential history.

This year, 2017, marks the 100th anniversary of the birth of the first and so far only Roman Catholic to have been elected President of the United States.

Indelibly etched in my memory is going to Sunday school in 1960 and being asked by one of my classmates who my dad was going to vote for. And, while I was only 7 years old, I knew the answer to his question.

My dad was voting for John F. Kennedy, to which my classmate responded, "Oh, he shouldn't vote for Kennedy because Kennedy's a Catholic."

Well, I didn't know what that meant for sure, so I asked my dad, "What's wrong with being a Catholic?" My dad said, "Nothing. I'm voting for Kennedy because he's the best man for the job." And, of course, he was also the Democrat.

Then and there, I learned a valuable lesson from my dad. Never judge or look down on people because of their religion. Unfortunately, I believe that is a lesson lost on many people these days.

President Kennedy inspired an entire generation of young Americans to become involved in public service.

From the astronauts who walked on the moon to the 220,000 Americans who have worked in the Peace Corps in 141 countries over the past 55 years, President Kennedy left an everlasting legacy of hope and goodwill for people across the globe.

All of us recall that famous quote from his Inaugural Address: “Ask not what your country can do for you, ask what you can do for your country.”

But, I conclude these remarks with something else he said in that speech – not nearly as well known, but every bit as important. And, I believe applicable for us today as we begin to do the people’s work.

He finished his speech with this: “With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God’s work must truly be our own.”

Let us lead the state we love doing God’s work to improve the lives of the people of Kansas.

INTRODUCTION OF GUESTS

Senator Wagle introduced Dr. Lynn Fisher, President of the Kansas Academy of Family Physicians. Dr. Fisher is the owner of Life Line Family Medicine in Plainville. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the statehouse during session. Join me in thanking Dr. Fisher and the Academy for providing this service.

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 by voice vote.

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: That the permanent seats of the Senate are hereby assigned as follows: Alley 14, Baumgardner 29, Berger 13, Billinger 23, Bollier 35, Bowers 33, Denning 2, Doll 36, Estes 30, Faust-Goudeau 21, Fitzgerald 16, Francisco 8, Givens 17, Goddard 5, Haley 22, Hardy 6, Hawk 20, Hensley 39, Holland 40, Kelly 38, Kerschen 34, LaTurner 27, Longbine 10, Lynn 32, Masterson 3,

McGinn 9, Olson 25, Petersen 11, Pettey 7, Pilcher-Cook 4, Pyle 26, Rogers 37, Schmidt 24, Skubal 15, Suellentrop 19, Sykes 12, Taylor 18, Tyson 31, Wagle 1 and Wilborn 28.

On emergency motion of Senator Denning **SR 1702** was adopted by voice vote.

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

SENATE RESOLUTION No. 1703

A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2017 regular session of the Legislature.

Be it resolved by the Senate of the State of Kansas: The following rules shall be the rules of the Senate for the terms of the Senators commencing with the 2017 regular session of the Legislature.

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. 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 27 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 27 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 four shall be decided without debate.

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

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

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

simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

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

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

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

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

Rule 32. Reference of Bills and Resolutions. All bills 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 prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee or special or select committees appointed under Rule 8. All bills making an

appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees or special or select committees appointed under Rule 8, or any combination thereof, jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

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

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.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 1, AN ACT concerning the Kansas standard asset seizure and forfeiture act; relating to reports; amending K.S.A. 2016 Supp. 60-4117 and repealing the existing section, by Legislative Post Audit Committee.

SB 2, AN ACT concerning the division of post audit; relating to purposes for which expenditures may be made by the division; exemption, by Legislative Post Audit Committee.

SB 3, AN ACT concerning forfeiture; amending the Kansas standard asset seizure and forfeiture act; amending K.S.A. 2016 Supp. 60-4107 and repealing the existing section, by Legislative Post Audit Committee.

SB 4, AN ACT concerning the Kansas standard asset seizure and forfeiture act; relating to expenditure of proceeds; amending K.S.A. 2016 Supp. 60-4117 and repealing the existing section, by Legislative Post Audit Committee.

SB 5, AN ACT concerning drivers' licenses; relating to restricted driving privileges, qualifications; amending K.S.A. 2016 Supp. 8-2110 and repealing the existing section, by Senator Faust-Goudeau.

SB 6, AN ACT concerning crimes, punishment and criminal procedure; relating to possession of firearms; law enforcement policies and procedures, by Senator Faust-Goudeau.

SB 7, AN ACT enacting the Kansas reinvestment act, by Senator Faust-Goudeau.

SB 8, AN ACT concerning elections; relating to advance voting ballots submitted by mail on election day; amending K.S.A. 25-1132, 25-1133, 25-1134 and 25-1136 and K.S.A. 2016 Supp. 25-3107 and repealing the existing sections, by Senators Hensley, Francisco, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey and Rogers.

SB 9, 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 Senator Hensley.

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1601—

By Senators Wagle, Denning and Hensley

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

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

On emergency motion of Senator Denning **SCR 1601** was adopted by voice vote.

President Wagle appointed Senators Pyle and Holland to notify the Governor.

COMMUNICATIONS FROM STATE OFFICERS

January 9, 2017

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

Dear President Wagle:

During the 2016 Interim, I have received the reports and communications listed below. This listing will appear in the January 9, 2017 Senate Journal.

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

From Nadira Patrick, Manager, Major Projects and Comprehensive Training, Kansas Department of Commerce, Investment in Major Projects and Comprehensive Training (IMPACT) Annual Report.

From Nadira Patrick, Manager, Kansas Economic Opportunity Initiative, Kansas Department of Commerce, Kansas Economic Opportunity Annual Report.

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

From Derek Schmidt, Attorney General, the 2016 annual report of the Kansas State Child Death Review Board.

From Dennis Mesa, Executive Director, Kansas Housing Resources Corporation, the financial statement for the fiscal year ending June 30, 2016.

From Molly McGovern, Administrator, Kansas and Missouri Metropolitan Culture District Commission, the 2014-15 Comprehensive Annual Financial Report.

From Tim Shallenburger, President, Kansas Development Finance Authority, the annual financial report from fiscal years 2015 and 2016.

From Derek Schmidt, Attorney General, the statistical report indicating the number of concealed carry licenses issued, revoked, suspended and denied during the preceding fiscal year.

From Derek Schmidt, Attorney General, the fiscal year 2016 annual report of the Abuse, Neglect, and Exploitation Unit.

From Bob Page, President and CEO, The University of Kansas Hospital, submitted the annual report.

From Kristen Basso, Communications Officer, Kansas Public Employees Retirement System, the Comprehensive Annual Financial Report for fiscal year 2016.

From Scott W. Miller, Director of Investments, Kansas Pooled Money Investment Board, the Annual Report for Fiscal Year 2016.

From the Office of Governor Sam Brownback: Executive Directive Nos. 16-471 and 16-472, Authorizing Personnel Transactions and Expenditure of Federal Funds. Executive Directive Nos. 16-473 through 16-477, Authorizing Expenditure of Federal Funds. Executive Order No. 16-02, rescinding Executive Order 15-04, dated June 30, 2015.

Sincerely,

COREY CARNAHAN

Secretary of the Senate

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 10, 2017.

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 10, 2017, 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're experiencing the early days...the embryonic stage of this new legislative session. As the birth of a new baby is filled with great hopes and dreams, let the birthing process of this new legislature carry with it optimistic thinking and bright expectations for the future. Whenever our thinking is out of line...and Lord, You know we get that way sometimes, we need You to Parent us...to guide us...to discipline us until we put aside childlike considerations. We're grown up in here. So help us to act like it. Help us to think and act with love and maturity. Like the young little engine needing the power and the will to pull a heavy load, Lord give us the power and the will to deal with the heavy load under this dome. Give us the determined mindset of "I think I can, I think I can, I think I can!" You said in Proverbs 23:7, that the way a person thinks is key to the way they are. So Lord help us to think and think and think, until we're thinking in harmony with Your Word, Your will and Your way. Take us to the day, when we can look back and say, I thought we could...I believed we could...I knew we could. In Jesus Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF NEW SENATE STAFF

Vice President Longbine introduced new staff serving in the Senate: Ben Stringer, Reader; Carol Benoit, Assistant Sergeant-at-Arms; Tom Horton and Tom Noble, Doormen; and Cherryl Masters, Desk Clerk.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 10, AN ACT concerning liens or claims against real or personal property; relating to prohibitions on certain filings; public officials; notice; criminal penalties; amending K.S.A. 2016 Supp. 58-4301 and repealing the existing section, by Committee on Judiciary.

SB 11, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3502, 25-3504 and 25-3507 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

The Vice President referred **SB 11** to the Committee on **Ethics, Elections and Local Government**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 7**.

Ethics, Elections and Local Government: **SB 8, SB 9**.

Federal and State Affairs: **SB 2**.

Judiciary: **SB 1, SB 3, SB 4, SB 6**.

Transportation: **SB 5**.

MESSAGES FROM THE GOVERNOR

March 25, 2016

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Commissioner, Kansas Corporation Commission, Shari Feist Albrecht (U), Topeka, pursuant to the authority vested in me by KSA 74-601, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2020, to succeed herself.

Member, Pooled Money Investment Board, Casey Lair (R), Neodesha, pursuant to the authority vested in me by KSA 75-4221a, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2020, to succeed himself.

May 3, 2016

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Member, State Board of Indigent Defense Services, Roman Rodriguez (R), Wichita, pursuant to the authority vested in me by KSA 22-4519, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2019, to succeed himself.

Member, Racing and Gaming Commission, David Moses (D), Wichita, pursuant to the authority vested in me by KSA 74-8803, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2020, to succeed himself.

Secretary, Department of Corrections, Joseph Norwood (U), Wilmington, pursuant to the authority vested in me by KSA 75-5203, and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Ray Roberts.

Member, State Banking Board, Norman Pishny (R), Bucyrus, pursuant to the authority vested in me by KSA 74-3004, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2019, to succeed himself.

September 19, 2016

To The Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Long-term Care Ombudsman, Barbara J. Hickert (D), Topeka, pursuant to the authority vested in me by KSA 75-7304 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 herself.

Member, University of Kansas Hospital Authority, Dr. Kirk Benson (R), Kansas City, 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, 2018, to succeed himself.

Public Member, Public Employee Relations Board, Joshua Hofer (R), Wichita, pursuant to the authority vested in me by KSA 75-4323, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed Eric Carter.

Director, Alcoholic Beverage Control, KDOR, Debra Beavers (R), Ozawkie, pursuant to the authority vested in me by KSA 75-5117 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the secretary, to succeed Dean Reynoldson.

October 21, 2016

To The Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Member, Pooled Money Investment Board, Rodney Miller (R), Topeka, pursuant to the authority vested in me by KSA 75-4221a 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 Eric Meyers.

Public Member, State Board of Indigent Defense Services, Beverly Gossage (R), Eudora, pursuant to the authority vested in me by KSA 22-4519, and effective upon the

date of confirmation by the Senate, to serve a three year term, to expire January 15, 2019 to succeed Jaime Rogers.

Member, State Banking Board, Kurt Knutson (R), Overland Park, 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, 2019, to succeed himself.

October 26, 2016

To The Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Secretary, Kansas Department on Aging and Disability Services, Tim Keck (R), Topeka, pursuant to the authority vested in me by KSA 75-5903 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Kari Bruffett.

November 16, 2016

To The Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Secretary, Kansas Department of Transportation, Richard Carlson (R), Saint Marys, pursuant to the authority vested in me by KSA 75-5001, and effective upon confirmation by the Senate, to serve at the pleasure of the governor, to succeed Mike King.

November 30, 2016

To The Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Member, University of Kansas Hospital Authority, Dr. Romano Delcore (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, expiring March 15, 2018, to succeed Robert Honse.

December 1, 2016

To The Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Member, State Banking Board, Frank Carson (R), Mulvane, 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, expiring March 15, 2019, to succeed himself.

COMMUNICATIONS FROM STATE OFFICERS

March 24, 2016

Submitted for confirmation by the Attorney General of the State of Kansas, pursuant to law.

DEREK SCHMIDT
Kansas Attorney General

Member, Crime Victims Compensation Board, Pursuant to KSA 74-7303 Suzanne Valdez, reappointed to a four year term to the position that expired March 15, 2016.

November 11, 2016

Administrator for the Bi-State Commission, Molly McGivern, submitted the 2014-2015 Comprehensive Annual Financial Report for the Kansas and Missouri Metropolitan Culture District Commission.

January 9, 2017

Kansas State Treasurer, Ron Estes, submitted the 2016 Annual Report for the Kansas State Treasurer's Office.

January 9, 2017

Director of Unmanned Aerial Systems (UAS), Kansas Department of Transportation, Robert Brock submitted the Kansas UAS Strategic Plan as set forth in Senate Bill 249.

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives:

Be it resolved by the House of representatives of the State of Kansas:

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

Ron Ryckman, Speaker
Scott Schwab, Speaker Pro Tem,

Don Hineman, Majority Leader,
 Jim Ward, Minority Leader
 Susan Kannarr, Chief Clerk
 Foster Chisholm, Sergeant at Arms,
 and await the pleasure of the Senate.

Announcing adoption of **HCR 5001** a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

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

- To escort the Governor: Representatives Thompson, Williams and Helgerson
- To escort the Lt. Governor: Representatives Highland, Carpenter and Holscher
- To escort the Supreme Court: Representatives Finch, Patton and Miller
- To escort the Senate: Representatives Swanson, Dove and Alcalá

Announcing adoption of **SCR 1601**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2017 session of the Legislature is duly organized and ready to receive communication. Representatives Thompson, Williams and Bishop are appointed as House members of the committee to wait upon the Governor.

HCR 5001 was introduced and read by title.

On emergency motion of Senator Denning, an emergency was declared, the rules suspended and **HCR 5001** was adopted by voice vote.

The Vice President appointed Senator Olson and Senator Rogers to escort the Governor, Senator Schmidt and Senator Pettey to escort the Lieutenant Governor, and Senator Wilborn and Senator Francisco to escort the Supreme Court.

REPORTS OF STANDING COMMITTEE

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

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

By the Governor:

Kansas Department for Aging and Disability Services: K.S.A. 75-5903

Tim Keck, Secretary, to serve at the pleasure of the Governor

Kansas Department of Corrections: K.S.A. 75-5203

Joseph Norwood, Secretary, to serve at the pleasure of the Governor

Kansas Department of Transportation: K.S.A. 75-5001

Richard Carlson, Secretary, to serve at the pleasure of the Governor

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

David Moses, to fill a term expiring on January 15, 2020

Pooled Money Investment Board: K.S.A. 75-4221a

Casey Lair, to fill a term expiring on March 15, 2020

Rodney Miller, to fill a term expiring on March 15, 2020

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

Frank Carson, to fill a term expiring on March 15, 2019

Norman Pishny, to fill a term expiring on March 15, 2019

State Board of Indigents' Defense Services: K.S.A. 22-4519

Beverly Gossage, to serve a term expiring on January 15, 2019

Roman Rodriguez, to serve a term expiring on January 15, 2019

State Corporation Commission: K.S.A. 74-601

Shari Feist Albrecht, to serve a term expiring on March 15, 2020

State Long-Term Care Ombudsman: K.S.A. 75-7304

Barbara J. Hickert, to serve a term expiring on March 15, 2020

University of Kansas Hospital Authority: K.S.A. 76-3304

Dr. Kirk Benson, to serve a term expiring on March 15, 2018

Dr. Romano Delcore, to serve a term expiring on March 15, 2018

By the Attorney General:

Crime Victims' Compensation Board: K.S.A. 74-7303

Suzanne Valdez, to serve a term expiring on March 15, 2020

By the Secretary of the Department of Revenue:

Alcoholic Beverage Control: K.S.A. 75-5117

Debra Beavers, Director, to serve at the pleasure of the Secretary

REPORT ON ENROLLED BILLS

SR 1701, SR 1702 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 10, 2017.

On motion of Senator Denning, the Senate recessed until 4:20 p.m. for the purpose of a Joint Session to hear the Governor's State of the State address.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 11, 2017.

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 11, 2017, 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 have appointed some of the finest...and some of the most compassionate minds in this state to serve Your people. You've blessed us with servants who possess a rich, abundance of knowledge. But Lord, in addition to the vast knowledge...the broad accumulation of information, we need Your wisdom...that which surpasses mere human wisdom. We need to know how to use all this knowledge. And with the application of Your wisdom, You'll also give us understanding. We'll understand why self-guidance so often fails in light of Your guidance. Lord, You've given us Your Scriptures in 1 Kings, chapter 3, regarding King Solomon. Like us, he was blessed with the responsibility to serve. And like him, we're humbly in need of Your guidance. We're crying out to You that we might serve in a way that pleases You and blesses Your people. Thanks for the honor of serving. I come to You in the name of Jesus, Amen and Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 12, AN ACT concerning the Kansas sexually violent predator act; relating to transitional release or conditional release; residency restrictions; amending K.S.A. 2016 Supp. 59-29a11 and repealing the existing section, by Committee on Judiciary.

SB 13, AN ACT concerning the code of civil procedure; amending K.S.A. 2016 Supp. 60-102, 60-206, 60-216, 60-226, 60-230, 60-231, 60-234, 60-237 and 60-255 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 60-268, by Committee on Judiciary.

SB 14, AN ACT concerning insurance; relating to limited lines; pertaining to self-storage units, by Committee on Financial Institutions and Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **SB 10**.

REFERENCE OF APPOINTMENTS

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

Member, Kansas Public Employee Relations Board:

Joshua Hofer, to serve a term ending March 15, 2019.

(Commerce)

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 12, 2017.

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 12, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators Masterson and Skubal were excused.

Invocation by Senator Molly Baumgardner:

The following prayer was delivered in this chamber over 50 years ago during a session of the Kansas Senate. Let us pray:

Almighty God, your presence is a lamp unto our feet, and a light unto our path. It is in this warmth that we seek wisdom and guidance, and courage to face the many challenging tasks of today. Heavy are the burdens of this assembly as they face important issues in the interests of your people, who make up the populace of our state and country. Grant to each of them light upon their individual paths, and grace to follow therein. May all be blessed by their sacrifice and devotion to duty. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 15, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2016 Supp. 40-2c01 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 16, AN ACT concerning insurance; relating to insurers; pertaining to enterprise risk reports; internationally active insurance groups; corporate governance; amending K.S.A. 2016 Supp. 40-3305 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 17, AN ACT concerning insurance; enacting the fair access to insurance requirements plan act; amending K.S.A. 40-2101 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 18, AN ACT concerning financial institutions; relating to mortgage business; pertaining to the Kansas mortgage business act; amending K.S.A. 9-2204 and K.S.A. 2016 Supp. 9-2203, 9-2206, 9-2211 and 9-2216a and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 19, AN ACT concerning insurance; relating to reinsurance; amending K.S.A. 2016 Supp. 40-221a and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 20, AN ACT concerning financial institutions; relating to the state banking code; amending K.S.A. 2016 Supp. 9-1101, 9-1102, 9-1104 and 9-1114 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 21, AN ACT concerning financial institutions; relating to the Kansas money transmitter act; amending K.S.A. 2016 Supp. 9-508, 9-509 and 9-513a and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 22, AN ACT concerning insurance; relating to third party administrators; regulation; amending K.S.A. 40-3801, 40-3802, 40-3804, 40-3806, 40-3807, 40-3808, 40-3809 and 40-3810 and K.S.A. 2016 Supp. 40-3805 and repealing the existing sections; also repealing K.S.A. 40-3803, by Committee on Financial Institutions and Insurance.

SB 23, AN ACT concerning certain state officers and employees; relating to the attorney general, the state bank commissioner, the secretary of labor, the commissioner of insurance and the securities commissioner; criminal investigations and prosecutions by the attorney general; creating the fraud and abuse criminal prosecution fund; establishing the office of the securities commissioner as a division under the jurisdiction of the commissioner of insurance; amending K.S.A. 50-1013 and K.S.A. 2016 Supp. 9-2209, 17-12a508, 40-113, 44-5,122, 44-5,124, 44-719 and 75-6301 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 24, AN ACT designating the channel catfish as the state fish of Kansas, by Committee on Agriculture and Natural Resources.

SB 25, AN ACT concerning wildlife, parks and tourism; relating to cabins; fees; amending K.S.A. 2016 Supp. 32-999 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 26, AN ACT concerning wildlife, parks and tourism; relating to vessels; registration fees; amending K.S.A. 2016 Supp. 32-1172 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 27, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019, 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. 2016 Supp. 74-4914d, 74-4920, 75-2319 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d, by Committee on Ways and Means.

REFERENCE OF BILLS

Financial Institutions and Insurance: **SB 14**.

Judiciary: **SB 12**, **SB 13**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2017**.

Announcing adoption of **HCR 5002**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2017; **HCR 5002** were thereupon introduced and read by title.

The President referred **HB 2017; HCR 5002** to the Calendar under the heading of **General Orders**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SR 1703** to the Calendar under the heading of **General Orders**.

On motion of Senator Denning, the Senate adjourned pro forma until 8:00 a.m., January 13, 2017.

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 13, 2017, 8:00 a.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 28, AN ACT concerning income taxation; relating to reporting requirements, dates; amending K.S.A. 2016 Supp. 79-3298 and 79-3299 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 29, AN ACT concerning property taxation; relating to exemptions; allowing county appraisers to exempt certain federal property without order of the board of tax appeals; amending K.S.A. 2016 Supp. 79-213 and repealing the existing section, by Committee on Assessment and Taxation.

SB 30, AN ACT concerning sales taxation; relating to the Kansas retailers' sales tax act; definitions; amending K.S.A. 2016 Supp. 79-3602 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 24**, **SB 25**.

Financial Institutions and Insurance: **SB 15**, **SB 16**, **SB 17**, **SB 18**, **SB 19**, **SB 20**, **SB 21**, **SB 22**, **SB 23**.

Transportation: **SB 26**.

Ways and Means: **SB 27**.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 17, 2017.

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 17, 2017, 2:30 p.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 Gary Roten from Emmanuel Baptist Church, Topeka, who delivered the following invocation:

Jesus, thank You for these gathered here today. As a United States citizen, as a Kansas citizen, Jesus, as a Christian, I pray to You this day. Remind these here today they are public servants. Help them be our agents of stability in the state of Kansas. I pray for these in our Kansas Senate. I pray they will either continue to see or find God in their lives, for You are a God who is ALIVE. Jesus, in our state we still keep hearing a lot about money. We hear words like taxes, gas prices, groceries, jobs, renewable energy. We hear about rising healthcare cost. We hear of wasting money and that we need to provide for education. We hear we need to get control of costs and rebuild our economy. We keep hearing the state is not receiving enough taxes to fund current programs. Those who now gather have decisions to make. Those who now gather carry the burden of helping to choose the direction of our state. Give them the wisdom to solve our state's funding and budget challenges. Give them the courage to solve our state's funding and budget challenges. Help them. Guide them. I also pray for the individuals in this room. Some of them are also carrying burdens and worries in their personal life. You also brought me here this day to tell them that You love them. That You know of their challenges and Your desire for them to trust You. 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 31, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2016 Supp. 12-1750 and 12-1756a and repealing the existing sections; also repealing K.S.A. 2016 Supp. 12-1756e, by Committee on Ethics, Elections and Local Government.

SB 32, AN ACT concerning medical student and resident loan assistance; relating to medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; amending K.S.A. 76-387 and K.S.A. 2016 Supp. 76-381, 76-383 and 76-384 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 33, AN ACT concerning the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; relating to membership thereon; amending K.S.A. 2016 Supp. 39-7,160 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:

Assessment and Taxation: **SB 28, SB 29, SB 30.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1704—

A RESOLUTION congratulating and commending Timothy (Tim) R. Graham for his years of dedicated service to Senate Democratic Leader Anthony Hensley, the Kansas Senate Democratic Caucus, and the people of Kansas.

WHEREAS, Timothy (Tim) R. Graham graduated from Fort Hays State University in May of 2000 with a Bachelor of Arts degree in Political Science and a minor in History. He was admitted to Pi Sigma Alpha, the National Political Science Honor Society, which recognizes students for high academic achievement in the field of political science; and

WHEREAS, Prior to his graduation from Fort Hays State University, Tim served as an intern in the Kansas House of Representatives for Eber Phelps, driving from Hays to Topeka at least once a week to spend a full day at the Statehouse. Later that year, he took off a semester from school to work full-time as a Field Director for the Kansas Democratic Party in the 1998 election campaigns; and

WHEREAS, Tim first started working for Senator Hensley in the 2000 elections as a field organizer in Sedgwick County. His first session working in the Kansas Senate was in 2001, where he was the Special Assistant on Redistricting for the Senate Democratic Caucus. Tim was instrumental in drafting a Senate redistricting map initially approved by a bi-partisan group of 21 Senators, but vetoed by Governor Graves with suggested changes that would meet the Governor's approval. The final version of the map passed with 29 Senators voting for it and the Governor signing it into law; and

WHEREAS, Tim became Chief of Staff for Senator Hensley in August 2003, where he served continuously, except for nine months in 2010 when he was the Assistant Kansas Secretary of State. He worked in 16 legislative sessions and three special sessions under four different Governors and with 97 different Senators. Upon his resignation last month, only two Senators had served in the Senate longer than Tim's tenure working as legislative staff in the Senate; and

WHEREAS, In his 16 years of public service, Tim forged many lasting friendships among Democratic and Republican members of both the Kansas Senate and House of Representatives. Although he worked as a partisan staff person, he was widely respected for his integrity and honest dealings with people across the political spectrum; and

WHEREAS, The political process and the Kansas Legislature have played such a significant role in Tim's life, as he and his wife, Amalia, were married in the Kansas Senate chamber on August 22, 2009. Tim and Amalia are the proud parents of their son,

Reid, who is a kindergarten student at Langston Hughes Elementary School in Lawrence: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Timothy (Tim) R. Graham for his 16 years of dedicated service to Senate Democratic Leader Anthony Hensley, the Kansas Senate Democratic Caucus, and the people of Kansas; and

Be it further resolved: That the Secretary of the Senate shall provide five enrolled copies of this resolution to Senator Anthony Hensley.

On emergency motion of Senator Hensley **SR 1704** was adopted by voice vote.

Guests introduced were Amalia Graham, Reid Graham, Wayne Graham, Sharon Graham and Lillie Mendez.

Senators honored Tim and guests with a standing ovation.

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.

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:

SR 1703 be amended by motion of Senator Longbine; on page 11, in line 18, by striking "upon the objection of any three members" and inserting "any member may object"; in line 19, by striking the comma and inserting "and".

SR 1703 be further amended by motion of Senator Longbine; on page 9, in line 18, by striking "four" and inserting "five".

SR 1703 be further amended by motion of Senator Olson; on page 16, after line 7, by inserting:

"(3) Notwithstanding any other rule of the Senate to the contrary, no 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."

SR 1703 be further amended by motion of Senator Hensley; on page 5, in line 19, after the period, by inserting "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."

SR 1703 be amended by motion of Senator Holland; on page 5, in line 25, by striking "27" and inserting "24"; on page 6, in line 15, by striking "27" and inserting "24", and the resolution be adopted as amended.

A motion by Senator Holland to amend **SR 1703** failed and the following amendment was rejected: on page 15, in line 27, by striking all after the second “by” and inserting “an affirmative vote of 24”; in line 28, by striking “then elected (or appointed) and qualified”.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 17; Nays 21; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hawk, Hensley, Holland, Masterson, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Taylor.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Hardy, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, V. Schmidt, Skubal, Sykes, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner, Petersen.

A motion by Senator Olson to amend **SR 1703** was withdrawn.

HB 2017 be passed.

HCR 5002 be adopted.

Motions by Senators Holland and Kelly to amend **HCR 5002** failed.

A motion by Senator Kelly to amend **HCR 5002** was withdrawn.

CONSIDERATION OF APPOINTMENTS

In accordance with Senator Rule 56, 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:

State Corporation Commission:

Shari Albrecht, term ends March 15, 2020

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

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

The appointment was confirmed.

By the Secretary of Revenue

On the appointment to the:

Department of Revenue, Division of Alcoholic Beverage Control:

Debra Beavers, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Kirk Benson, term ends March 15, 2018

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Transportation:

Richard Carlson, serves at the pleasure of the Governor

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Holland, Kerschen, LaTurner, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hensley, Kelly, McGinn, Pettey, Rogers, V. Schmidt.

Present and Passing: Faust-Goudeau, Francisco.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Frank Carson, term ends March 15, 2019

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Romano Delcore, term ends March 15, 2018

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

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

Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Beverly Gossage, term ends January 15, 2019

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Long Term Care Ombudsman:

Barbara Hickert, term ends March 15, 2020

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Department for Aging and Disability Services:

Tim Keck, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Pooled Money Investment Board:

Casey Lair, term ends March 15, 2020

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

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

Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Pooled Money Investment Board:

Rodney Miller, term ends March 15, 2020

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Racing and Gaming Commission:

David Moses, term ends January 15, 2020

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Corrections:

Joseph Norwood, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Norman Pishny, term ends March 15, 2019

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

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

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Roman Rodriguez, term ends January 15, 2019

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

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

The appointment was confirmed.

By the Attorney General

On the appointment to the:

Kansas Crime Victims Compensation Board:

Suzanne Valdez, term ends March 15, 2020

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

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

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SR 1703; HB 2017; HCR 5002** were advanced to Final Action and roll call.

SR 1703, A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2017 regular session of the Legislature.

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

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

Present and Passing: Haley.

The resolution was adopted, as amended.

EXPLANATION OF VOTE

Madam President: After a vigorous debate, it is apparent to me that the newly adopted Rules of our Kansas Senate are too far from "adequate" to unanimously adopt. Realizing that we must have some rules, I can only vote to "Pass." —DAVID HALEY

HB 2017, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3502, 25-3504 and 25-3507 and repealing the existing sections.

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

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

The bill passed.

HCR 5002, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2017-2018 biennium.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Haley, Hensley, Holland.

The resolution was adopted.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 18, 2017.

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 18, 2017, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Estes was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, In Genesis 1:14-18, You created a huge light...the sun, to govern the day and a lesser light...the moon, to govern the night. Lord, that secondary light has no light of its own. In illuminating the dark for us, it is really using the true source of light...that of the Sun. What a picture You've given us, showing how You want to use us in reflecting Your light into all that we do in these halls. Keep us focusing on You that the light of Your Spirit and the light of Your Word may permeate our discussions and decisions. When the brilliance of work accomplished in these halls is considered, remind us to deflect praise and expressions of gratefulness to You. Remind us that we have no light of our own. Keep our faces turned ever toward You. In Jesus Name, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize David Adam LaRoche, a former professional baseball first baseman, who played 12 seasons in Major League Baseball. He is the son of pitcher Dave LaRoche and the brother of third baseman Andy LaRoche. Adam is a 1998 graduate of Fort Scott High School. He was named an All-American in baseball as a senior in high school. His uncle, Dave Regan, was his high school head coach. He played for his father at Fort Scott Community College in 1999 before transferring to Seminole Community College in Seminole, Oklahoma, in 2000, where he was an All-American and the MVP of the Junior College World Series. Adam and his wife, Jennifer, have a daughter, Montana, and a son, Drake. His hobbies include fishing, hunting, and golf. He is also one of the co-owners of Outdoor Networks hunting show *Buck Commander*. Adam is a devout Christian who helped the Washington Nationals promote "Faith Day" at Nationals Park.

Senators honored Adam and his wife with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 34, AN ACT concerning setoff against debtors of the state, municipalities and

foreign states; relating to expansion of foreign states eligible for setoff agreements; amending K.S.A. 2016 Supp. 75-6202 and repealing the existing section, by Committee on Assessment and Taxation.

SB 35, AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2016 Supp. 75-5091 and repealing the existing section, by Committee on Transportation.

SB 36, AN ACT concerning the state corporation commission; relating to motor carriers, definitions, registration; amending K.S.A. 66-125 and K.S.A. 2016 Supp. 8-135, 8-2703, 16-121, 66-1,108, 66-1,108b, 66-1,109 and 66-1,139 and repealing the existing sections, by Committee on Transportation.

SB 37, AN ACT concerning elections; dealing with voting procedures; amending K.S.A. 25-601 and K.S.A. 2016 Supp. 25-210, 25-414, 25-2309, 25-2352 and 25-3002 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 38, AN ACT establishing the KanCare bridge to a healthy Kansas program, by Committee on Ways and Means.

SB 39, AN ACT concerning taxation; relating to permitted use of tax information; tax liens upon personal property; warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax; amending K.S.A. 2016 Supp. 75-5133, 79-3234, 79-3235, 79-3235a, 79-3607, 79-3617, 79-3643 and 79-41a03 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-3235b, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics, Elections and Local Government: **SB 31**.

Public Health and Welfare: **SB 32**, **SB 33**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1705—

A RESOLUTION congratulating and commending Coach Jeff Sims
on a successful gridiron campaign during the 2016 season
and for receiving multiple national coach of the year honors.

WHEREAS, Coach Sims was hired to be the head football coach at Garden City Community College on November 20, 2014, and led the team to a 3-8 season in his first year at the helm in 2015; and

WHEREAS, Coach Sims helped lead a team with a 3-8 season from the year prior, to a perfect 10-0 regular season record. As a result, the team was invited to play in the National Junior College Athletic Association (NJCAA) National Championship in football, which the Broncobusters subsequently won to finish the season with an 11-0 record. This marks the first time in school history the team has finished the season with an unblemished record. The team earned its first Jayhawk Conference title since 2001 and the first football national championship in school history; and

WHEREAS, Coach Sims became the first Jayhawk Conference head coach to be named the NJCAA Coach of the Year and was also the recipient of the 2016 American Community College Football Coaches Association Coach of the Year award, which is given to the top community college football coach in the country, regardless of which junior college organization the coach belongs to; and

WHEREAS, Throughout his career, Coach Sims has focused not just on winning football games, but on developing grounded young men. This objective is encompassed in his philosophy of "graduate, scholarship and championship." Through this motto and by the way he lives his life, Coach Sims exemplifies what it means to be a leader of young men; and

WHEREAS, The love, support and encouragement of his wife, Lecia, and their three children, Dylan, Jake and Samantha, have helped Coach Sims every step of the way: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Coach Sims on a successful season and wish him the best of luck in the future; and

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

Special remarks from Senator Doll: As in many aspects, when one has spent a significant time in a profession, one develops idiosyncrasies and understanding of that profession. The coaching world is no exception. Unless one has family or friend's kids on a team, a coach or former coach will more than likely see the game in an analytical way versus who may win or lose on the scoreboard. Most watch to see if the team is growing, what kind of character they possess and if a team is disciplined. When Coach Sims took over at Garden City Community College (GCCC), the program was a mess. Watching before his arrival, I could not see any of those virtues. Again, attending games once Coach Sims took over, my soul was made lighter watching as with each game I saw improvement in those areas. I saw a man taking a program that was lacking in most areas and build it up from the ground. The process took time. At the beginning, during his first year, the results were not evident on his win and loss record, but one could see he was building it on a solid foundation. After each game, I would walk away more impressed. Sometimes the team did not necessarily play better but he was teaching not only football but life lessons. Though I had not met Coach Sims at that time, I sent him several postcards expressing my support. Last spring I finally got the opportunity to meet Coach Sims. He is an impressive individual. Late this summer he called on an issue and we met several times in his office, reinforcing my positive opinion of his coaching abilities. Each time I left I was more impressed knowing the athletes that he coached would leave his program better men. This season it all came together. GCCC won its first National Football Championship. With a championship so many accolades come with the successes. Coach Sims won not one but two "Coach of the Year" honors: National Junior College Association and the American Community College Football Association "Coach of the Year". That includes all the junior colleges in the country. This is the first time a Kansas junior college coach has won the award simultaneously. I hope you will join me in honoring Coach Sims and the Garden City Broncobusters on their National Championship.

On emergency motion of Senator Doll **SR 1705** was adopted by voice vote.

Senators honored Coach Sims, the coaching staff and students of Garden City Community College with a standing ovation.

COMMUNICATIONS FROM STATE OFFICERS

January 9, 2017

Acting Secretary of the Kansas Department for Aging and Disability Services, Timothy E. Keck, submitted the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program report.

January 10, 2017

Chair, Jon A. Roberts, submitted the 2016 Annual Report of the Central Interstate Low-Level Radioactive Waste Compact.

January 12, 2017

Director, Kirk D. Thompson, submitted the 2016 State Forfeiture Fund 2016 Annual Report of the Kansas Bureau of Investigation.

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

REPORT ON ENROLLED BILLS

SCR 1601, SR 1704 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 18, 2017.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 19, 2017.

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 19, 2017, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Estes was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, Your word says, in Genesis 4:1, that Adam knew Eve and she conceived a son. They became so intimate that new life was brought forth. The prayer today is that You would help us to know You...not just to know some things about You. But, help our knowledge of You to become so intimate that new life giving ideas and ways of thinking will be conceived. In Exodus 33:13, Moses asked You to show him Your ways, that he might know You and that You'd be pleased with him. Help us to know You to the degree that we will conceive and give birth to that which is new and improved. New and improved thoughts, new and improved decisions that will bring forth new and improved lives for us, for our families and for the people we serve. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Hawk rose on a Point of Personal Privilege to recognize Jack Lindquist and members of the Flint Hills Regional Leadership program which was founded 25 years ago.

Senators honored the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 40, AN ACT concerning criminal procedure; relating to appearance bonds; revocation; amending K.S.A. 2016 Supp. 22-2807 and repealing the existing section, by Committee on Judiciary.

SB 41, AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of assault of a public transportation employee and battery against a public transportation employee; amending K.S.A. 2016 Supp. 21-5412 and 21-5413 and repealing the existing sections, by Committee on Judiciary.

SB 42, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to a mandatory minimum term of imprisonment; amending K.S.A. 2016 Supp. 21-6620, 21-6623 and 21-6627 and repealing the existing

sections, by Committee on Judiciary.

SB 43, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3504, as amended by section 2 of 2017 House Bill No. 2017 and 25-3507, as amended by section 3 of 2017 House Bill No. 2017 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 44, AN ACT concerning regional search and rescue teams; relating to workers compensation coverage for volunteers under the workers compensation self-insurance fund; amending K.S.A. 2016 Supp. 44-577 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

- Assessment and Taxation: **SB 34, SB 39.**
- Ethics, Elections and Local Government: **SB 37.**
- Public Health and Welfare: **SB 38.**
- Transportation: **SB 35, SB 36.**

MESSAGES FROM THE GOVERNOR

January 10, 2017

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Commissioner, Office of the State Bank Commissioner, Michelle Bowman (R), Council Grove, pursuant to the authority vested in me by KSA 75-1304 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Deryl Schuster.

COMMUNICATIONS FROM STATE OFFICERS

January 19, 2017

Kansas Board of Regents, Elaine Frisbie, submitted the Board of Regents annual report on Exceptions to the Minimum Admission Standards at State Universities.

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

REPORT ON ENROLLED BILLS

SR 1703, SR 1705 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 19, 2017.

On motion of Senator Denning, the Senate adjourned pro forma until 9:00 a.m., January 20, 2017.

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 20, 2017, 9:00 a.m.

The Senate was called to order pro forma by Senator Carolyn McGinn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 45, AN ACT concerning roads and highways; designating a portion of United States highway 40 as John Carlin highway; amending K.S.A. 2016 Supp. 68-1009 and repealing the existing section, by Committee on Transportation.

SB 46, AN ACT concerning water; relating to water conservation areas; amending K.S.A. 2016 Supp. 82a-745 and 82a-1906 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 47, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1720, 47-1733 and 47-1734 and K.S.A. 2016 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1719, 47-1732 and 47-1736, by Committee on Agriculture and Natural Resources.

SB 48, AN ACT concerning water; relating to the diversion of water; chief engineer; remedies for the impairment of a valid water right or permit to divert and use water; amending K.S.A. 82a-716 and 82a-717a and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 49, AN ACT concerning elections; relating to voter registration; allowing voter registration on election days; amending K.S.A. 2016 Supp. 25-2311, 25-2316c and 25-3602 and repealing the existing sections, by Senator Faust-Goudeau.

SB 50, AN ACT concerning the legislature; relating to membership of the advisory committee on uniform state laws and the joint committee on special claims against the state; amending K.S.A. 46-407a and K.S.A. 2016 Supp. 46-912 and repealing the existing sections, by Committee on Judiciary.

SB 51, AN ACT concerning the state board of pharmacy; relating to emergency scheduling of controlled substance analogs and new drugs; amending K.S.A. 2016 Supp. 21-5701, 65-4101 and 65-4102 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 52, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and V; amending K.S.A. 2016 Supp. 65-4105, 65-4107 and 65-4113 and repealing the existing sections, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 44**.

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

Judiciary: **SB 40, SB 41, SB 42**.

REFERENCE OF APPOINTMENTS

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

Commissioner, Office of the State Banking Commissioner:

Michelle Bowman, to serve at the pleasure of the Governor.

(Financial Institutions and Insurance)

COMMUNICATIONS FROM STATE OFFICERS

January 18, 2017

Superintendent, Mark A. Bruce, submitted the Kansas Highway Patrol report regarding state forfeiture funds.

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

On motion of Senator Billinger, the Senate adjourned until 2:30 p.m., Monday, January 23, 2017.

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 23, 2017, 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 Father Mitchel M. Zimmerman, Director/Chaplain, St. Lawrence Catholic Campus Center at the University of Kansas, to deliver the invocation:

Dear Heavenly Father: through the revelation of Your Son and by the sending of Your Holy Spirit, and by Your ever-present providence and mercy, You teach us, Your faithful children, to read the signs of the times and to act with integrity and compassion. We praise You for this day, and for the chance to be of humble service to Your beloved children, the people of the great state of Kansas. Bless these senators and their colleagues, whom You have called to serve the common good of this state, and to uphold and promote human dignity, beginning with preserving the right to life for all citizens, especially the smallest and most vulnerable. May this day find us, Your beloved children, more hopeful for our state, more grateful for the opportunity to glorify and serve You, more wise in knowing Your will, and more courageous in carrying it out. We ask all this through the name of our Lord Jesus Christ Your Son, who lives and reigns with You in the unity of the Holy Spirit, one God forever and ever, 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 firearms; relating to the personal and family protection act; relating to exemptions for certain entities; amending K.S.A. 2016 Supp. 75-7c20 and repealing the existing section, by Committee on Federal and State Affairs.

SB 54, AN ACT concerning taxation; relating to electronic cigarettes, definitions, enforcement and collections; amending K.S.A. 2016 Supp. 79-3302 and 79-3399 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 55, AN ACT concerning public construction contracts; relating to performance and payment bonds; Kansas fairness in public construction contract act, by Committee on Federal and State Affairs.

SB 56, AN ACT concerning elections; relating to reports of contributions preceding an election; filing location requirements; amending K.S.A. 2016 Supp. 25-4148b and repealing the existing section, by Committee on Ethics, Elections and Local

Government.

SB 57, AN ACT concerning elections; relating to candidate and political committee reports to the secretary of state; email addresses; amending K.S.A. 25-4144 and K.S.A. 2016 Supp. 25-4145 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 58, AN ACT concerning elections; relating to internet campaign communications; notice of sponsorship; amending K.S.A. 2016 Supp. 25-4156 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 59, AN ACT concerning weights and measures; relating to service companies; technical representatives; amending K.S.A. 2016 Supp. 83-402 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 60, AN ACT concerning agriculture; relating to the Kansas department of agriculture; certain fees; amending K.S.A. 2016 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-2464a, 2-2469, 2-3304, 2-3306, 82a-303b, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 61, AN ACT concerning agriculture; relating to fees for milk, cream and dairy businesses; authorizing the Kansas secretary of agriculture to collect a fee for processing paper documents; amending K.S.A. 74-576 and K.S.A. 2016 Supp. 65-778 and 65-781 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 62, AN ACT concerning grand juries; relating to sufficiency of petitions; right to appeal; amending K.S.A. 2016 Supp. 22-3001 and 25-3601 and repealing the existing sections, by Committee on Judiciary.

SB 63, AN ACT enacting the revised uniform fiduciary access to digital assets act; amending K.S.A. 58a-816 and 59-3078 and K.S.A. 2016 Supp. 58-654, 59-3075 and 77-201 and repealing the existing sections, by Committee on Judiciary.

SB 64, AN ACT concerning employment; relating to fair consideration for persons with a record of criminal conviction, by Senators Faust-Goudeau and Haley.

SB 65, AN ACT concerning alcoholic beverages; pertaining to alcoholic liquors pledged as collateral; relating to sale by creditors thereof; amending K.S.A. 41-1125 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 66, AN ACT concerning state boards, commissions and authorities; relating to the state banking board; terms of service; amending K.S.A. 74-3004 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 67, AN ACT concerning financial institutions; relating to banks and banking; pertaining to general powers of state-chartered banks; amending K.S.A. 2016 Supp. 9-1101 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 68, AN ACT concerning health and healthcare; relating to hospitals; enacting the Kansas lay caregiver act, by Committee on Public Health and Welfare.

SB 69, AN ACT concerning the Kansas program of medical assistance; process and contract requirements; claims appeals, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 46, SB 47, SB 48.**

Ethics, Elections and Local Government: **SB 49.**

Judiciary: **SB 50.**

Public Health and Welfare: **SB 51, SB 52.**

Transportation: **SB 45.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Pilcher-Cook, Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Fitzgerald, Goddard, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Suellentrop, Tyson and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1706—

A RESOLUTION honoring pregnancy maintenance resource centers
in Kansas and across the United States.

WHEREAS, The life-affirming impact of pregnancy maintenance resource centers on the women, men, children and communities they serve is considerable and growing; and

WHEREAS, Pregnancy maintenance resource centers serve women in Kansas and across the United States with integrity and compassion; and

WHEREAS, More than 2,500 pregnancy maintenance resource centers across the United States provide comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional and spiritual needs; and

WHEREAS, Pregnancy maintenance resource centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community, health care and support services; and

WHEREAS, Many medical pregnancy maintenance resource centers offer ultrasound and other medical services; and

WHEREAS, Many pregnancy maintenance resource centers provide information on adoption and adoption referrals to pregnant mothers; and

WHEREAS, Pregnancy maintenance resource centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn child; and

WHEREAS, Pregnancy maintenance resource centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

WHEREAS, Pregnancy maintenance resource centers provide important support and resources for women who choose childbirth over abortion; and

WHEREAS, Pregnancy maintenance resource centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

WHEREAS, Many pregnancy maintenance resource centers provide grief assistance for women and men who regret the loss of their children from past choices they have made; and

WHEREAS, Many pregnancy maintenance resource centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

WHEREAS, Federal and state governments are increasingly recognizing the valuable services of pregnancy maintenance resource centers through the designation of public funds for such organizations; and

WHEREAS, Pregnancy maintenance resource centers operate primarily through reliance on the voluntary donations and time of caring individuals who are committed to caring for the needs of women and promoting and protecting life: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate strongly supports pregnancy maintenance resource centers in their unique, positive contributions to the individual lives of women, men and of babies – both born and unborn; and

Be it further resolved by the Senate of the State of Kansas: That the Senate commends the compassionate work of tens of thousands of volunteers and paid staff at pregnancy maintenance resource centers in Kansas and across the United States; and

Be it further resolved by the Senate of the State of Kansas: That the Senate encourages the Congress of the United States and other federal and state government agencies to grant pregnancy maintenance resource centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and

Be it further resolved by the Senate of the State of Kansas: That the Senate disapproves of the actions of any national, state or local groups attempting to prevent pregnancy maintenance resource centers from effectively serving women and men facing unplanned pregnancies; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Governor Brownback, to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

On emergency motion of Senator Pilcher-Cook **SR 1706** was adopted by voice vote.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 24, 2017.

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 24, 2017, 2:30 p.m.

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

Gracious Father, as the labor in these halls continues, what we need is Your wisdom, Your guidance and Your grace. Your wisdom, to see issues through Your eyes. Your guidance, to know what course...what problem solving steps to take; and Your grace, so we'll have the favor of Your presence and Your power to escort us on the journey. In Exodus 33:14-16, You told Moses that Your presence would accompany him and he would have peace. Often, Lord, the only REAL peace we CAN have, is that which comes from You...the Prince of Peace. And Lord, I believe that's why Moses said in verse 15, that if Your presence didn't go along, he would NOT want to go forward. So, Lord, again, as we carry out our responsibilities, give us the peace of knowing You are with us. By Your Holy Spirit, bless us with a continuing awareness that Your wisdom, Your guidance and Your grace, are an ongoing presence. Let the results of our efforts show forth that we've been led by the Hand of the Lord. 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 70, AN ACT concerning open meetings; relating to justifications for closed or executive meetings; amending K.S.A. 2016 Supp. 75-4319 and repealing the existing section, by Senators Francisco and Baumgardner.

SB 71, AN ACT concerning workers compensation; relating to enforcement of an order of support; amending K.S.A. 2016 Supp. 44-514 and repealing the existing section, by Committee on Judiciary.

SB 72, AN ACT concerning social welfare; relating to the reporting of abuse, neglect or exploitation of vulnerable adults; amending K.S.A. 39-1438 and K.S.A. 2016 Supp. 39-1430, 39-1431, 39-1433, 39-1435, 39-1437 and 39-1443 and repealing the existing sections, by Committee on Judiciary.

SB 73, AN ACT enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions, by Committee on Judiciary.

SB 74, AN ACT concerning people with certain disabilities; relating to vehicle registration, information included therein; state-issued identification cards, information included therein; amending K.S.A. 2016 Supp. 8-243 and 8-1324 and repealing the existing sections, by Senator Billinger.

SB 75, AN ACT concerning community college boards of trustees; providing an additional member to the Cowley county community college board of trustees; amending K.S.A. 71-1403 and repealing the existing section, by Committee on Education.

SB 76, AN ACT concerning labor; relating to professional occupations; licensing and fees, restrictions, by Committee on Federal and State Affairs.

SB 77, AN ACT concerning wildlife, parks and tourism, relating to the mined land wildlife area, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1602—

By Committee on Federal and State Affairs

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limits upon assessments, revenues and expenditures by the state and establishing a budget stabilization fund and a debt prepayment 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: The constitution of the state of Kansas is amended by adding a new article 16 to read as follows:

"Article 16. – REVENUE, ASSESSMENT AND EXPENDITURE LIMITATIONS

"§ 1. Definitions. As used within this article:

(a) "State" means the state government including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any division or unit of state government that are directly supported with tax funds;

(b) "bond" means any bond, note, debenture, interim certificate, grant and revenue anticipation note, lease-purchase agreement, lease certificate of participation or other evidence of indebtedness that, in any such case, is entered into or establishes a debt obligation for longer than one fiscal year, whether or not the interest on such is subject to federal income taxation;

(c) "fiscal year" means the twelve-month fiscal period prescribed by law for the state;

(d) "fiscal year spending" means all expenditures and reserve increases except, as to both:

- (1) Expenditures for refunds of any kind;
- (2) expenditures of moneys received from the federal government,

moneys received as grants, gifts or donations that are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by employees and pension fund earnings; or

(3) budget stabilization reserve fund transfers, debt prepayment fund transfers, or expenditures in accordance with this article;

(e) "inflation" means the average changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding five calendar years, which shall not be less than zero;

(f) "population" means the more recent of either the periodic census conducted by the United States department of commerce or its successor agency, or the annual update of such census as prescribed by the legislature by law, which shall be adjusted every decade to match the federal decennial census;

(g) "total state revenue" means all moneys received by the state from any source, except any of the following:

(1) Moneys received for grants, gifts or donations that are to be expended for purposes specified by the donor;

(2) moneys received from the federal government; and

(3) moneys that are income earned on moneys in permanent endowment funds, trust funds, deferred compensation funds or pension funds and that are credited to such funds.

"§ 2. Supermajority for passage of certain bills for new or increased taxes. On and after July 1, 2019, a supermajority of two-thirds of the members then elected (or appointed) and qualified to each house, voting in the affirmative, shall be necessary to pass any bill enacting or amending any law creating any new state tax or increasing the rate of any existing state income tax, sales tax, compensating use tax or other excise tax or a tax in the nature of an excise tax, property tax, or tax in the nature of a property tax, or estate or inheritance tax, or a tax in the nature of an estate or inheritance tax, or any combination thereof.

"§ 3. Spending and revenue limits. (a) Except as provided by this section, for any fiscal year that commences on or after July 1, 2019, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the maximum percentage increase determined pursuant to this section. The maximum percentage increase in fiscal year spending for a fiscal year shall be equal to the result obtained by adding the rate of inflation for the calendar year ending during the preceding fiscal year, plus the percentage change in state population during the calendar year ending during the preceding fiscal year, if a positive number, adjusted for revenue changes resulting from acts enacted in accordance with section 2 of this article. The limitation imposed on fiscal year spending shall not apply to expenditures of moneys transferred to the state general fund from the budget stabilization fund or the debt prepayment fund pursuant to section 4 of this article.

(b) For any fiscal year that commences on or after July 1, 2019, the total state revenue limitation shall be determined in accordance with this

section. If the amount of the total state revenue for the preceding fiscal year exceeds the amount of total state revenue for the second preceding fiscal year, the total state revenue limitation for a fiscal year shall be the result obtained by adding: (1) The lesser of: (A) The amount of total state revenue for the preceding fiscal year; or (B) the amount of the total state revenue limitation for the preceding fiscal year; and (2) the product of: (A) The amount determined under clause (1) of this subsection; and (B) the sum of: (i) The rate of inflation for the calendar year ending during the preceding fiscal year; plus (ii) the percentage change in state population during the calendar year ending during the preceding fiscal year, if a positive number.

(c) No increase to the limitation imposed on fiscal year spending by this section may be authorized, unless the proposed law for increasing the spending limitation on a fiscal year first be submitted to a direct vote of the electors of the state at some general election, and, if such proposed law shall be ratified by a majority of all the votes cast at such general election, then the legislature next after such general election may enact such law and increase such fiscal year spending limitation.

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

"§ 4. Budget stabilization fund and debt prepayment fund. (a) On July 1, 2019, a budget stabilization fund and a debt prepayment fund shall be established and maintained in the state treasury.

(b) For any fiscal year that commences on or after July 1, 2019, if the total state revenue exceeds the total fiscal year spending for that fiscal year, then, on July 1 of the ensuing fiscal year, such excess amount shall be transferred according to the following priority:

(1) To the budget stabilization fund, until the balance of such fund is an amount equal to 50% of the total state general fund spending for the preceding fiscal year; and

(2) to the debt prepayment fund, until the total amount of principal of bonded indebtedness serviced by appropriations from the state general fund equals 5% of the total state general fund spending for the preceding fiscal year.

(c) The legislature may provide, by law, for additional amounts of state revenue to be deposited in the budget stabilization fund and the debt prepayment fund.

(d) Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the budget stabilization fund or debt prepayment fund.

(e) (1) Moneys in the budget stabilization fund may be invested as provided by law and the earnings thereon shall be retained in the budget stabilization fund as provided by law.

(2) Moneys in the debt prepayment fund may be invested as provided by law and the earnings thereon shall be retained in the debt prepayment fund as provided by law.

(f) (1) For any fiscal year that commences on or after July 1, 2019, if

the amount of the total state revenue is less than the amount of the total state revenue for the prior fiscal year, the legislature may provide by enactment of a law for the transfer of moneys from the budget stabilization fund to the state general fund in an amount equal to the lesser of:

(A) Not more than the difference between the amount of the total state revenue for the prior fiscal year and the amount of the estimated total state revenue for the current fiscal year; or

(B) 50% of the balance in the budget stabilization fund.

(2) Under no other circumstances shall moneys be transferred or expended from the budget stabilization fund.

(g) (1) Withdrawals from the debt prepayment fund may occur only to provide for calling and redeeming selected bonds for which debt service is paid by appropriations from the state general fund in accordance with their terms on or after their first optional redemption date and prior to maturity.

(2) Prior to any withdrawal from the debt prepayment fund authorized by this subsection, the governor shall be responsible for determining and selecting which bonds will produce the greatest debt service savings to the state general fund, and the attorney general shall be responsible for certifying that the selected bonds are available for optional redemption. Any withdrawal authorized by this subsection shall be provided for by law, enacted in a separate bill that does not include any other matter, except a statement that the conditions prescribed by this subsection exist, and the authority to transfer a specific amount of money from the debt prepayment fund to the state general fund for the purpose of calling and redeeming selected bonds.

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

"§ 5. Disposition of excess revenues. (a) Any excess amount of total state revenues for a fiscal year that remains after the transfers to the budget stabilization fund and the debt prepayment fund pursuant to section 4 of this article, if any, shall be reserved in the current fiscal year and shall be refunded as provided by law during the next ensuing fiscal year to the taxpayers who paid the state ad valorem property taxes or state income taxes, or both, for the preceding fiscal year, in a manner that is proportional, on a pro rata basis, in the manner in which such taxes were collected from such taxpayers for such fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available to be reserved and refunded by the state as prescribed by this section.

(b) In a case of any amount that is received pursuant to any tax and required to be reserved and refunded to taxpayers by the state pursuant to this section and that is determined by the state in the manner prescribed by law to be insufficient for refunds to be made during the ensuing fiscal year, such amount shall be reserved for refunds to be made thereafter when the amount reserved is sufficient therefor.

"§ 6. Temporary borrowing. On and after July 1, 2019, during any fiscal year, transfers that are temporary and are to be repaid, or any other

temporary borrowing, through certificates of indebtedness or any other device or manner, of any moneys in the state treasury to be credited to the state general fund are prohibited, unless the moneys so transferred or otherwise borrowed are restored or repaid to the original funds or accounts of the state treasury from the state general fund within the same fiscal year. The provisions of this section do not apply to transfers from the budget stabilization fund or the debt prepayment fund to the state general fund in accordance with this article.

"§ 7. General revenue supplanting. On and after July 1, 2019, any appropriation of moneys from the state treasury that either supplants any appropriation from the state general fund, or, if not made, would require an appropriation from the state general fund is prohibited. For purposes of this section, any appropriation of moneys in the state treasury that is funded by user charges for fees imposed on goods or services provided shall not be deemed to be an appropriation that supplants any appropriation from the state general fund.

"§ 8. Construction. (a) The provisions of this article shall be liberally construed for the purpose of effectuating the purposes thereof, except that nothing in this article shall be construed to authorize any new or increased tax of any kind, other than as provided or authorized by law enacted by the legislature in accordance with and subject to the other provisions of this constitution.

(b) In any case of a conflict between any provision of this article and any other provision contained in the constitution, the provisions of this article shall control.

(c) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. The legislature shall repeal or amend all laws inconsistent with the provisions of this article to conform with the provisions of this article."

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

"Explanatory statement. Beginning July 1, 2019, this amendment: (1) Would require a supermajority of $\frac{2}{3}$ of all members of the House and Senate to pass certain bills related to the creation of a new tax or the increase in the rate of an existing tax; (2) would impose spending and revenue limits on the state based on increases in the rate of inflation and population, with provisions to adjust for economic downturns or transferred functions; (3) would permit expenditures in excess of the limit imposed if authorized by a majority of the voters at a general election; (4) would provide for a budget stabilization fund to be used when state revenue declines; (5) would provide for a debt prepayment fund to be used to redeem state bonds payable from the state general fund to produce debt service savings; (6) would provide for excess state revenues, after transfers to the budget stabilization fund and debt prepayment fund, to be refunded to state property or income taxpayers; (7) would limit state temporary borrowing to that repaid within the same year and would prohibit the state from replacing general revenues with excessive

fees and charges for goods and services; and (8) would govern in case of conflicts with statutes or other state constitutional provisions.

"A vote for this proposition would limit state legislative authority and would require a supermajority of $\frac{2}{3}$ of each house of the legislature for state tax increases or extensions, would impose state spending and revenue limits, would permit the legislature to exceed the spending limit upon the authorization of a majority of voters at a general election, would require excess state revenues to be reserved for economic downturns and reducing state debt, with limits, or to be refunded to taxpayers, and would limit state temporary borrowing.

"A vote against this proposition would continue the present constitutional and statutory authority for state government taxing and spending by law, for disposition of tax revenues and for other related matters in the exercise of the legislative power of this state."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2018 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at a special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 59, SB 60, SB 61.**

Assessment and Taxation: **SB 54.**

Commerce: **SB 55, SB 64.**

Ethics, Elections and Local Government: **SB 56, SB 57, SB 58.**

Federal and State Affairs: **SB 53.**

Financial Institutions and Insurance: **SB 65, SB 66, SB 67.**

Judiciary: **SB 62, SB 63.**

Public Health and Welfare: **SB 68, SB 69.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Baumgardner introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1707—

A RESOLUTION congratulating and commending the members
of the 2017 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 2017 Kansas Teacher of the Year and the finalists were honored at an awards banquet on November 19, 2016. 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 2017 Kansas Teacher of the Year is Jason Sickel, Blue Valley USD 229; and the regional finalists are Kristine A. Bruce, Auburn-Washburn USD 437; Jennifer M. Farr, Geary County USD 475; Jonathan Ferrell, Shawnee Mission USD 512; Crystal May, Maize USD 266; Maret Schrader, Seaman USD 345; Lori J. Stratton, Wamego USD 320; and Brent M. Wolf, Derby USD 260; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2017 Kansas Teacher of the Year team and wish Mr. Sickel 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 2017 Kansas Teacher of the Year team.

On emergency motion of Senator Baumgardner **SR 1707** was adopted by voice vote. Senators honored the teachers with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

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

By the Governor:

State Bank Commissioner: K.S.A. 75-1304

Michelle Bowman, serves at the pleasure of the Governor

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 25, 2017.

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 25, 2017, 2:30 p.m.

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

Let us pray! Let's submit our thoughts, our emotions and our wills to our God, the One to Whom we owe our very existence. Lord, it is with bowed, and humble hearts, that we stand today in these blessed, stately halls of government. You said in Romans, Chapter 13, that this authority comes from You, and that sitting in these seats of government is really by YOUR appointment. Lord, when we consider the gravity of these assignments, we're confronted with the reality that we're standing on holy ground... that serving Your people from these seats of government is actually a sacred responsibility. And Lord, for those of us that are blessed to be served, remind us to respect these servants. To honor them and pray for them. We thank You for each of them. We pray for their strength, their guidance, their protection and inner satisfaction of knowing they were used by You to bless Your people. In honor and great appreciation, I lift this prayer, in Jesus Name, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 78, AN ACT concerning elections; dealing with polling places; amending K.S.A. 25-2701 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 79, AN ACT concerning elections; dealing with voter identification; amending K.S.A. 2016 Supp. 25-2908 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 80, AN ACT concerning campaign finance; dealing with certain reports; amending K.S.A. 2016 Supp. 25-4151 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 81, AN ACT concerning campaign finance; dealing with campaign finance reports; amending K.S.A. 25-4175 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 82, AN ACT concerning health and healthcare; relating to health insurance; prescription medication; step therapy protocols, by Committee on Public Health and Welfare.

SB 83, AN ACT concerning the Kansas propane safety and licensing act; amending K.S.A. 55-1807 and repealing the existing section, by Committee on Federal and State Affairs.

SB 84, AN ACT concerning the Kansas highway patrol; amending K.S.A. 2016 Supp. 74-2113 and repealing the existing section, by Committee on Federal and State Affairs.

SB 85, AN ACT concerning healthcare; relating to withholding life-sustaining treatment from patients under 18 years of age; permission requirements and exceptions; dispute resolution, by Committee on Federal and State Affairs.

SB 86, AN ACT concerning the Kansas open records act; relating to openness in government; amending K.S.A. 2016 Supp. 45-219, 46-1207a and 75-4318 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 87, AN ACT concerning financial institutions; relating to credit services organizations; pertaining to the Kansas credit services organization act; amending K.S.A. 50-1118, 50-1119, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128 and 50-1129 and K.S.A. 2016 Supp. 50-1117 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SCR 1602**.

Commerce: **SB 71**.

Education: **SB 75**.

Federal and State Affairs: **SB 70, SB 76, SB 77**.

Judiciary: **SB 73**.

Public Health and Welfare: **SB 72**.

Transportation: **SB 74**.

COMMUNICATIONS FROM STATE OFFICERS

January 11, 2017

Executive Director, Lori Cameron, submitted the 2015-2016 Year-in-Review report of the Energy Council.

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

REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **SB 43** be passed.

REPORT ON ENROLLED BILLS

SR 1706, SR 1707 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 25, 2017.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 26, 2017.

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 26, 2017, 2:30 p.m.

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

The roll was called with 37 senators present.

Senators Doll, LaTurner, and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Lord, it is with humble appreciation that we stand here today. Remind us that we couldn't be here, much less work here, were it not for Your grace and mercy. Since hours, days and times of Your blessings come and go, help us to not be lulled into a complacent forgetfulness...that it is by Your gracious Hand and favor, that we are here each day. Sometimes Lord, we forget things. We tie the proverbial string around our finger to help our memories, then we forget about the string. We forget, and then we forget that we forgot. We forget things that we've done, or said, or where we put something. We struggle to remember names and faces. Sometimes Lord, we can't remember whether we're coming or going. Did we turn the light off or leave it on? There are times when our memory seems so awfully feeble. But, Lord, there are two things we really need You to help us remember. Number one is to love You with all our soul, mind and might, while number two is to love others as we love ourselves. In Matthew 22:36-40, You said, that all the other principles we need to remember would be summed up in those two. So Lord, help us tie a proverbial love string around our fingers. And in the Name of Jesus, help us remember that it's there. 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 88, AN ACT concerning motor vehicles; relating to repossessed vehicles, certificates of title, fees; repealing the repossessed certificates of title fee fund; amending K.S.A. 2016 Supp. 8-145 and repealing the existing section; also repealing K.S.A. 8-145e, by Committee on Transportation.

SB 89, AN ACT concerning motor vehicles; relating to fees, collection of; amending K.S.A. 2016 Supp. 8-135, 8-145 and 8-145d and repealing the existing sections, by Committee on Transportation.

SB 90, AN ACT concerning workers compensation; amending K.S.A. 2016 Supp. 44-510d and 44-510e and repealing the existing sections, by Committee on Commerce.

SB 91, AN ACT concerning insurance; relating to powers of the commissioner; controlled insurance programs; amending K.S.A. 2016 Supp. 40-5403 and repealing the

existing section, by Committee on Financial Institutions and Insurance.

SB 92, AN ACT concerning crimes, punishment and criminal procedure; relating to evidence; videotaping of certain felony, custodial interrogations, by Committee on Judiciary.

SB 93, AN ACT concerning drivers' licenses; relating to revocation; duration; amending K.S.A. 2016 Supp. 8-254 and repealing the existing section, by Committee on Judiciary.

SB 94, AN ACT concerning health maintenance organizations; relating to privilege fees; rate; disposition of moneys; extending the medical assistance fee fund; amending K.S.A. 2016 Supp. 40-3213 and 40-3236 and repealing the existing sections, by Committee on Ways and Means.

SB 95, AN ACT concerning public assistance; relating to eligibility; requirements; voice signatures for applications; amending K.S.A. 2016 Supp. 39-709 and repealing the existing section, by Committee on Public Health and Welfare.

SB 96, AN ACT concerning cigarettes and tobacco products; relating to the cigarette and tobacco products act; definitions, licenses and permits, suspension or revocation licenses, stamps, records required of dealers, unlawful acts, penalties, sale of cigarettes, application of certain laws to taxes, remittance of taxes and escrow deposits; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3326 and 79-3378 and K.S.A. 2016 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, k79-3387, 79-3391, 79-3392 and 79-3393 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 97, AN ACT concerning sales taxation; relating to certain cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2016 Supp. 79-3602 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics, Elections and Local Government: **SB 78, SB 79, SB 80, SB 81.**

Federal and State Affairs: **SB 83, SB 84, SB 85, SB 86.**

Financial Institutions and Insurance: **SB 87.**

Public Health and Welfare: **SB 82.**

MESSAGES FROM THE GOVERNOR

January 19, 2017

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Secretary, Kansas Department of Revenue, Samuel Williams (R), Wichita, pursuant to the authority vested in me by KSA 75-2101 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Nick Jordan.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2026**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2026 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 28, SB 30** 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 15, SB 17, SB 19, SB 20** be passed.

Also, **SB 21** be amended on page 3, in line 11, by striking all after "provides"; in line 12, by striking all before "by" and inserting "services as described in K.S.A. 9-511(a)(2) (A), and amendments thereto, that are used"; in line 13, by striking "engage in" and inserting "provide money transmission services to"; also in line 13, by striking "own money transmission services" and inserting "customers. A service provider does not contract with the customers of an exempt entity on its own or on behalf of an exempt entity or the exempt entity's agent"; and the bill be passed as amended.

SB 22 be amended on page 10, in line 12, by striking "7." and inserting "8.";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 13** be passed.

Committee on **Public Health and Welfare** recommends **SB 33** be amended on page 2, in line 35, by striking all after "(d)"; by striking all in lines 36 through 39; by striking all in line 41; in line 42, by striking all before the period and inserting "chairperson of the senate committee on public health and welfare serving as chairperson during odd-numbered years and the chairperson of the house committee on health and human services serving as chairperson during even-numbered years";

On page 3, in line 1, by striking "in January" and inserting "during the first calendar quarter"; also in line 1, by striking the second "in"; in line 2, by striking all before "and" and inserting "during the second calendar quarter";

On page 4, in line 33, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 3, after the semicolon by inserting "meetings;"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned pro forma until 8:00 a.m., January 27, 2017.

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 27, 2017, 8:00 a.m.

The Senate was called to order pro forma by Senator Rick Billinger.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 96, SB 97.**

Commerce: **SB 90.**

Financial Institutions and Insurance: **SB 91.**

Judiciary: **SB 92, SB 93.**

Public Health and Welfare: **SB 95; HB 2026.**

Transportation: **SB 88, SB 89.**

Ways and Means: **SB 94.**

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 Revenue:

Samuel Williams, to serve at the pleasure of the Governor.
(Assessment and Taxation)

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 16** be amended on page 1, in line 7, by striking "New";

On page 4, in line 43, by striking "New";

On page 9, by striking all in lines 37 through 43;

By striking all on pages 10 and 11;

On page 12, by striking all in lines 1 through 42;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the second semicolon; in line 2, by striking all before "internationally"; in line 3, by striking all after "governance"; in line 4, by striking all before the period; and the bill be passed as amended.

MESSAGES FROM THE GOVERNOR

January 24, 2017

Message from the Governor Regarding Compact with Tribal Nation:

In consultation with the Attorney General and the Department of Revenue, and pursuant to my authority under Article 1, Section 3 of the Constitution of the State of Kansas, I have entered into the following Compact:

- Compact Relating to Cigarette and Tobacco Sales, Taxation and Escrow Collection with the Kickapoo Tribe in Kansas as of December 21, 2016.

I hereby give notice of this executive action and transmit the Compact to the Legislature for the required approval pursuant to applicable law.

SAM BROWNBACK
Governor

**COMPACT RELATING TO CIGARETTE AND TOBACCO SALES,
TAXATION AND ESCROW COLLECTION**

THIS COMPACT RELATING TO CIGARETTE AND TOBACCO SALES, TAXATION AND ESCROW COLLECTION (“**Compact**”) is entered into between the Kickapoo Tribe in Kansas (along with its agencies, boards, commissions and political subdivisions, the “**Tribe**”) and the State of Kansas (along with its agencies, boards, commissions and political subdivisions, the “**State**”). The Tribe and the State are each referred to herein as a “**Party**” and collectively referred to herein as the “**Parties.**”

Recitals

WHEREAS, the Tribe is a federally-recognized Indian tribe possessing and exercising inherent sovereign powers of self-government, as defined and recognized by treaties, federal laws and federal court decisions, and that it has responsibilities and needs similar to other governments;

WHEREAS, the State is a state within the United States of America possessing and exercising full powers of state government, as defined and recognized by the United States Constitution, federal laws, federal court decisions, the Kansas Constitution, State laws and State court decisions, and that it has responsibilities and needs similar to other governments;

WHEREAS, both the State and the Tribe recognize that pursuant to applicable law each is a sovereign with dominion over their respective territories and governments and that entry into this Compact is not intended nor shall it be construed to cause the sovereignty of either to be diminished;

WHEREAS, the Tribe is situated on and occupies a federally-established Indian Reservation situated within the borders of the State;

WHEREAS, federal law recognizes that tribal jurisdiction exists on Qualified Tribe Lands regarding the rights of the Tribe to pass its own laws and be governed by them;

WHEREAS, it is in the best interests of both the State and the Tribe to prevent disputes

between the Parties regarding possession, transport, distribution, and Sale of Cigarettes and other Tobacco Products, including but not limited to taxation and escrow collection, in the State of Kansas, on Compact Lands;

WHEREAS, each of the State and the Tribe recognize the financial, cultural, educational, and economic contributions of the other;

WHEREAS, each of the State and the Tribe respects the sovereignty of the other, and recognizes and supports the other's governmental responsibilities to provide for and govern its citizens, members and territory; the State recognizes the Tribe's inherent sovereign right to existence, self-government and self-determination; and the Tribe recognizes the State's inherent sovereign right to existence, self-government and self-determination;

WHEREAS, the Parties are of the opinion that cooperation between the Tribe and the State is mutually productive and beneficial and recognize the need to develop and maintain good Tribal-State governmental relations;

WHEREAS, it is in the best interests of the State to continue to reduce the financial burdens imposed on the State by Cigarette smoking and that said costs continue to be borne by Tobacco Product Manufacturers rather than by the State to the extent that such Tobacco Product Manufacturers either determine to enter into a settlement with the State or are found culpable by the courts;

WHEREAS, on November 23, 1998, the State became party to the MSA;

WHEREAS, certain Tobacco Product Manufacturers, which are party to the MSA, are obligated, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to State (tied in part to their volume of Sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking;

WHEREAS, it would be contrary to the policy of State if Tobacco Product Manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that State will have an eventual source of recovery from them if they are proven to have acted culpably;

WHEREAS, the State entered into a Secondary Settlement Agreement with certain participating Tobacco Product Manufacturers in 2012 settling State's obligations under the MSA and disputes regarding certain payment adjustments under the MSA with respect to NPMs (as that term is defined below) for calendar years 2003-2012;

WHEREAS, as part of said Secondary Settlement Agreement, State has agreed to undertake certain diligent enforcement efforts of its Cigarette and other Tobacco Product laws and more specifically, its MSA laws on Qualified Tribal Lands within the borders of State;

WHEREAS, State recognizes the importance to State of forming an alliance with Tribe to assist State in its diligent enforcement efforts;

WHEREAS, State further recognizes that the Tribe will incur certain economic costs in assisting State in its diligent enforcement efforts which Tribe should not be required to endure;

WHEREAS, it is altogether just and proper that State compensate the Tribe for its assistance to State in State's diligent enforcement obligation under the MSA and the Secondary Settlement Agreement; and

WHEREAS, the State and the Tribe agree that it will serve the interests of both the State and the Tribe for the Tribe to be able to generate revenue for governmental purposes through the collection of certain Tribal taxes in accordance with this Compact and resolve their differences regarding the State's collection of escrow on certain Cigarettes Sold on Compact Lands.

Compact

NOW, THEREFORE, in consideration of the foregoing recitals which are made a contractual part hereof, and in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

ARTICLE I DEFINITIONS

Section 1.01. Definitions. Whenever used in this Compact, the following capitalized words and phrases shall have the following meanings:

“**AAA**” shall mean the American Arbitration Association.

“**Approved Manufacturer**” shall mean, subject to Section 4.02(c), a Tobacco Product Manufacturer which is (A) in compliance with the Escrow Statutes and the Fire Safety Statutes, and (B) listed on the KSAG's directory of compliant manufacturers pursuant to K.S.A. 50-6a04(B). The KSAG's directories of compliant Tobacco Product Manufacturers can be found on the KSAG's website.

“**Auditor**” shall have the meaning set forth for such term in Section 6.02.

“**Business Day**” shall mean any day that the governmental offices of the Tribe are open for business.

“**Carton**” shall mean a container of two hundred (200) Cigarettes, whether consisting of either eight or ten Packs.

“**Cigarette**” shall mean any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains:

- (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco;
- (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, Consumers as a Cigarette; or
- (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, Consumers as a Cigarette described in clause (1) above.

The term “Cigarette” includes “roll-your-own” (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, Consumers as tobacco for making

Cigarettes). For purposes of this definition, 0.09 ounces of “roll-your-own” tobacco shall constitute one individual “Cigarette.”

“**Compact**” shall have the meaning set forth for such term in the initial paragraph.

“**Compact Lands**” shall mean only the following Qualified Tribal Lands:

- (A) those Qualified Tribe Lands within the boundaries of the Tribe’s reservation granted in in the Treaty between the United States of America and the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, June 28, 1862, (13 Stats., 623).
- (B) those Qualified Tribe Lands described in Exhibit A attached to this Compact once the Secretary of the Department of Interior has fully acquired such land into trust for the beneficial use of the Tribe as authorized in accordance with Section 5 of the Indian Reorganization Act, 25 USC 465 and under 25 CFR § 151.10. The State agrees that it will not object to the Tribe’s on-reservation trust application for such land to be placed into trust status.

“**Consumer**” shall mean the individual or entity purchasing or receiving Cigarettes or other Tobacco Products for final use.

“**Dispute**” shall have the meaning set forth for such term in Section 7.01(b).

“**Dispute Party**” shall have the meaning set forth for such term in Section 7.01(b).

“**Effective Date**” shall have the meaning set forth for such term in Section 3.01.

“**Escrow Statutes**” shall mean Chapter 50, Article 6a of the Kansas Statutes Annotated.

“**Fire Safety Statutes**” shall mean Chapter 31, Article 6 of the Kansas Statutes Annotated.

“**Indian Tribe**” shall mean any Indian tribe, band, nation or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under the laws of the United States.

“**KDOR**” shall mean the Kansas Department of Revenue.

“**KSAG**” shall mean the Office of the Attorney General of the State of Kansas.

“**Licensed Distributor**” shall mean the Tribe, any Tribal Affiliate, or any individual or entity subject to the Tribe’s regulatory and tax jurisdiction, in each case conducting business pursuant to a valid tobacco distributor license issued by the Tribe.

“**Licensed Retailer**” shall mean the Tribe or any Tribal Affiliate conducting business pursuant to a valid tobacco retailer license issued by the Tribe.

“**MSA**” shall mean the settlement agreement (and related documents) entered into on November 23, 1998 by the State and leading United States Tobacco Product Manufacturers; provided, however, that such term does not include the Secondary Settlement Agreement.

“**Tribe**” shall have the meaning set forth for such term in the initial paragraph.

“**Tribal Affiliate**” shall mean an entity directly or indirectly wholly owned by the Tribe. Solely for purposes of this definition, the phrase “wholly owned by” means ownership of one hundred percent (100%) of an equity interest, or the equivalent thereof.

“**Tribal Claim Parties**” shall mean, collectively, Tribe, the Tribal Tax Department, and

any Tribal Affiliate to the extent such Tribal Affiliate is either a Licensed Retailer or Licensed Distributor.

“**Tribal Tax Department**” shall mean the Kickapoo Tax Department, or such other successor commission, board, committee, council, department or agency charged under Tribal law with administration and enforcement of Tribal tax laws.

“**NPM**” shall have the meaning set forth for the term “Non-participating manufacturer” in K.S.A. § 50-6a07(g).

“**Pack**” shall mean one package of either twenty (20) or twenty-five (25) Cigarettes.

“**Parties**” or “**Party**” shall have the meaning set forth for such terms in the initial paragraph.

“**PM**” shall mean a “participating manufacturer” as that term is used in the Escrow Statutes.

“**Qualified Tribal Lands**” shall mean:

- (1) All land within the borders of the State that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of way running through such reservation;
- (2) all dependent Indian communities within the borders of the State;
- (3) all Indian allotments within the borders of the State, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and
- (4) any lands within the borders of the State, the title to which is either held in trust by the United States for the benefit of any Indian Tribe or individual, or held by any Indian Tribe or individual subject to restriction by the United States against alienation and over which an Indian Tribe exercises governmental power.

“**Qualified Tribe Lands**” shall mean the Tribe’s Qualified Tribal Lands.

“**Rules**” shall have the meaning set forth in Section 7.02(b).

“**Sale**” (and any correlative term, such as “**Sell**,” “**Seller**,” or “**Sold**,” shall have the correlative meaning) shall mean any sale, barter, trade, exchange, or other transfer of ownership for value of Cigarettes or other Tobacco Products, no matter how characterized.

“**Secondary Settlement Agreement**” shall mean the 2003 NPM adjustment settlement agreement, which shall include the 2012 term sheet agreement, related to the MSA and to which State is a party.

“**State**” shall have the meaning set forth for such term in the initial paragraph.

“**Tobacco Product**” shall mean any product, including any component, part, or accessory, made or derived from tobacco that is intended for human consumption through smoking, chewing or both, including but not limited to Cigarettes, Cigarette tobacco, roll-your-own tobacco, smokeless tobacco, cigars, pipe tobacco, dissolvables, gels, waterpipe tobacco, and electronic cigarettes.

“**Tobacco Product Manufacturer**” shall mean an entity that after the Effective Date

directly (and not exclusively through any affiliate):

- (1) manufactures Cigarettes anywhere that such manufacturer intends to be Sold in the United States, including Cigarettes intended to be Sold in the United States through an importer;
- (2) is the first purchaser anywhere for resale in the United States of Cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or
- (3) becomes a successor of an entity described in paragraph (1) or (2).

The term “Tobacco Product Manufacturer” shall not include an affiliate of a Tobacco Product Manufacturer unless such affiliate itself falls within any of paragraphs (1) through (3) above. Solely for purposes of this definition, the term “affiliate” shall mean a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of the preceding sentence, the terms “owns,” “is owned” and “ownership” mean ownership of any equity interest, or the equivalent thereof, of 10% or more, and the term “person” means an individual, partnership, committee, association, corporation or any other organization or group of persons.

“**Units Sold**” shall mean, with respect to a particular Tobacco Product Manufacturer for a particular year, the number of individual Cigarettes Sold in the State, including, without limitation, any Cigarettes Sold on any Qualified Tribal Lands within the State, by the applicable Tobacco Product Manufacturer, whether directly or through a distributor, retailer or similar intermediary or intermediaries, during the year in question, for which the State has the authority under federal law to impose excise or a similar tax or to collect escrow deposits, regardless of whether such taxes were imposed or collected by the State.

Section 1.02. Other Definitional Provisions.

- (a) All capitalized terms defined in this Compact shall have the defined meanings when used as a capitalized term in any certificate or other document made or delivered pursuant hereto unless otherwise defined therein.
- (b) As used herein and in any certificate or other document made or delivered pursuant hereto or thereto, accounting terms not defined in Section 1.01, and accounting terms partially defined in Section 1.01 to the extent not defined, shall have the respective meanings given to them under generally accepted accounting principles or regulatory accounting principles, as applicable. To the extent that the definitions of accounting terms herein are inconsistent with the meaning of such terms under generally accepted accounting principles or regulatory accounting principles, the definitions contained herein shall control.
- (c) The words “**hereof**,” “**herein**” and “**hereunder**” and words of similar import when used in this Compact shall refer to this Compact as a whole and not to any particular provision of this Compact; and Section, subsection, Schedule and Exhibit references contained in this Compact are references to Sections, subsections, Schedules and Exhibits in or to this Compact unless otherwise specified.

- (d) Unless otherwise specifically noted herein, any capitalized word or term used in this Compact but not otherwise expressly defined herein shall have the same meaning as the definition provided for such capitalized word or term in Chapters 50 and 79 of the Kansas Statutes Annotated as in effect on January 1, 2016.

ARTICLE II GENERAL PROVISIONS

Section 2.01. Purpose of Compact. The purpose of this Compact is to prevent disputes between the Parties regarding possession, transport, distribution, and Sale of Cigarettes and other Tobacco Products, including but not limited to taxation and escrow collection, in the State of Kansas, on Compact Lands, and on other Qualified Tribal Lands to the extent set forth herein.

Section 2.02. External Citations. The citation to any State statute or regulation in this Compact refers to the version in effect on January 1, 2016, unless otherwise specifically provided herein or unless the Parties specifically agree in writing to a modification of the Compact.

Section 2.03. Scope of Compact. Unless otherwise specifically provided herein, the terms and provisions of this Compact shall only apply to Cigarettes and other Tobacco Products Sold on Compact Lands. Notwithstanding any term or provision herein to the contrary, the Parties agree and acknowledge that the terms and provisions of this Compact shall not apply in any respect, including but not limited to taxation and escrow collection, to (i) any Tobacco Product Manufacturer or manufacturer of other Tobacco Products owned or operated by Tribe or any Tribal Affiliate during the term of this Compact, or (ii) the possession, transport, distribution, purchase, or Sale of Cigarettes or other Tobacco Products manufactured or imported by any Tobacco Product Manufacturer or manufacturer of other Tobacco Products, in each case to the extent described in clause (i).

ARTICLE III EFFECTIVE DATE; TERM

Section 3.01. Effective Date. Subject to the prior full execution by the Parties, ratification by Tribe's Tribal Business Council by written resolution, and approval by State Legislature and publication in the Kansas Register, this Compact shall become effective on July 1, 2017 (the "Effective Date").

Section 3.02. Term.

- (a) This Compact shall have an initial term of ten (10) years subject to automatic renewal for successive ten (10) year terms absent a requested revision in writing by any Party on or before August 1 in the calendar year prior to calendar year of the expiration of the then-current term. The Parties shall negotiate such requested revisions in good faith for a period ending fifteen (15) days before expiration of the then current term; *provided, however*, that if the Parties are not able to reach agreement on such requested revisions by such date, the Parties may agree to extend the then-current term beyond the expiration date for so long as the Parties agree that further negotiations are warranted; *provided, further*, that following expiration of the initial or any

extended negotiation period, either Party may provide written notice of termination of the Compact effective on the later to occur of the expiration date of the then-current term or two Business Days following the date of delivery of such written notice of termination without giving effect to any extension agreed to by the Parties. In the event that the Parties reach agreement on the requested revisions, such revisions shall be reflected in an amendment to this Compact consistent with Section 8.08. In any event, the terms and provisions of this Compact shall continue to apply and the Parties shall conduct themselves accordingly until such time either that such amendment is fully executed, ratified and effective or that termination of this Compact is effective.

- (b) Notwithstanding any provision of this Compact to the contrary, in the event that State is subject to a final, binding arbitration award or decision of a court of competent jurisdiction that the State is non-compliant or has violated the terms of the MSA or Secondary Settlement Agreement due to State's compliance with its obligations under this Compact, the Parties shall attempt to negotiate amendments to this Compact for a period of not less than 90 days following State's written notice to Tribe of State's desire to initiate such negotiations. The Parties acknowledge that the purpose of such negotiations would be to amend the Compact in a manner acceptable to the Parties that would permit the State to comply with the terms and provisions of this Compact, the MSA, and the Secondary Settlement Agreement. If the Parties are unable to negotiate such amendments within such negotiation period, the State may terminate this Compact upon two weeks' prior written notice to the Tribe. Termination of this Compact pursuant to this Section 3.02(b) shall not be subject to the dispute resolution provisions of Article VII.
- (c) In the event that the State is no longer subject to, or elects to withdraw from or cease performing under, the MSA and the Secondary Settlement Agreement, the Tribe and the State may jointly agree in writing to terminate this Compact prior to the expiration of the then-current term. If there is any modification to relevant State law or final judicial determination by a court of competent jurisdiction that negates the escrow deposit obligations pursuant to the Escrow Statutes, the State may terminate this Compact at any time thereafter by providing thirty days' written notice to the Tribe.
- (d) In the event a federal Court of last appeal makes a final determination that the 1862 Treaty did not diminish the reservation boundaries as set forth in the Treaty with the Kickapoo of May 15, 1854, (10 Stat. 1078), the Parties shall attempt to negotiate amendments to this Compact for a period of not less than sixty (60) days following Tribe's written notice to initiate such negotiations. If the Parties are unable to negotiate such amendments within such negotiation period, the Tribe may terminate this Compact upon two weeks' prior written notice to the State. Termination of the Compact pursuant to this Section 3.02(d) shall not be subject to the dispute resolution provisions of Article VII.

**ARTICLE IV
MASTER SETTLEMENT AGREEMENT PROVISIONS**

Section 4.01. Tribe Obligations.

- (a) Tribe shall regulate all Sales of Cigarettes on Compact Lands and may regulate Sales of other Tobacco Products on Compact Lands. As part of such mandatory regulation of Sales of Cigarettes on Compact Lands, the Tribe shall require, and enforce such requirement, that:
 - (i) all Sales to ultimate Consumers of Cigarettes on Compact Lands by a Licensed Retailer shall be conducted pursuant to a valid Tribal tobacco retailer license;
 - (ii) all Cigarettes Sold on Compact Lands by a Licensed Retailer shall be acquired from a Licensed Distributor;
 - (iii) each Licensed Retailer shall implement and maintain processes that verify receipt of all Cigarettes on Compact Lands substantiated and supported by contemporaneously created documentation, including but not limited to invoices, bills of lading, way bills and other documents, showing Cigarettes received by such Licensed Retailer by brand, quantity, date of receipt, and from whom such Licensed Retailer received such Cigarettes;
 - (iv) each Licensed Retailer shall implement and maintain processes that verify the number of Cigarettes Sold by such Licensed Retailer to Consumers on Compact Lands by contemporaneously created documentation, including register tapes or other indicia of retail Sale generated at the point of Sale or, with respect to vending machine Sales, stocking reports, in each case showing Cigarettes Sold by brand and quantity;
 - (v) each Licensed Retailer shall provide to the Tribal Tax Department, on a timely basis, reports, data, and documentation specified in clauses (iii) and (iv) above regarding retail sales of Cigarettes on Compact Lands in form and format sufficient to enable Tribe to comply with its obligations pursuant to Section 4(b) and Section 4(c), and shall maintain such documentation in an adequate and accessible retention system for a period of not less than three years;
 - (vi) each brand of Cigarettes Sold, offered for Sale, possessed for Sale, or imported for Sale on Compact Lands by a Licensed Retailer shall be a brand of an Approved Manufacturer and, subject to Section 4.01(e), shall bear indicia of excise tax payment as provided in Section 5.02;
 - (vii) each Licensed Distributor shall apply indicia of excise tax payment as provided in Section 5.02 to each Pack of Cigarettes prior to delivery to a Licensed Retailer located on Compact Lands;
 - (viii) each Licensed Distributor shall implement and maintain processes that verify delivery of all Cigarettes to Licensed Retailers on Compact Lands substantiated and supported by contemporaneously created documentation, including but not limited to invoices, bills of lading, way

bills and other documents, showing Cigarettes delivered by brand, quantity, date of receipt, and to which Licensed Retailer such Cigarettes were delivered;

- (ix) each Licensed Distributor shall implement and maintain processes that, on a monthly basis, verify the number of items of indicia of payment of excise tax purchased from the Tribal Tax Department, as documented by a contemporaneously created, written receipt received from the Tribal Tax Department, the number of such items of indicia received by such Licensed Distributor, if different than the number purchased, the number of such items of indicia affixed to Packs of Cigarettes by such Licensed Distributor, the number of Packs of Cigarettes bearing such indicia delivered to Licensed Retailers as documented by one or more contemporaneously created, written statements from such Licensed Distributor, the number of such items of indicia that may be damaged, torn, mutilated or otherwise unusable and returned to the Tribal Tax Department, documented by a contemporaneously created, written receipt received from the Tribal Tax Department, the number of such items of indicia which are destroyed in accordance with Tribal Tax Department regulations, and the number of unaffixed items of such indicia which are on hand at such Licensed Distributor's premises, as documented by contemporaneously created, written inventory sheets;
- (x) each Licensed Distributor shall implement and maintain processes that verify monthly beginning and ending inventories of Packs of Cigarettes bearing indicia of payment of excise tax described in Section 5.02(a), as documented by contemporaneously created, written inventory sheets showing adjustments during such month for number of Packs of Cigarettes (A) to which such indicia were affixed, (B) received with such indicia affixed, (C) returned from Licensed Retailers, and (D) Sold to Licensed Retailers;
- (xi) with respect to each Licensed Distributor that maintains premises on Compact Lands, such Licensed Distributor shall implement and maintain processes that verify monthly beginning and ending inventories of Packs of Cigarettes not bearing any indicia of payment of excise tax, as documented by contemporaneously created, written inventory sheets showing adjustments during such month for number of Packs of Cigarettes (A) received without bearing any indicia of payment of excise tax, (B) to which indicia of payment of excise tax are affixed, in the aggregate and by specific jurisdiction, (C) Sold to the United States government, and (D) returned to a Tobacco Product Manufacturer;
- (xii) each Licensed Distributor shall provide to the Tribal Tax Department, on a timely basis, reports, data, and documentation specified in clauses (viii), (ix), (x), and (xi) above regarding retail Sales of Cigarettes on Compact Lands in form and format sufficient to enable Tribe to comply with its obligations pursuant to Section 4.01(b) and Section 4.01(c), and shall maintain such documentation in an adequate and accessible retention system for a period of not less than three years.

The Parties agree that United States generally accepted accounting principles (GAAP) shall, to the extent applicable, provide the appropriate standard for measuring the adequacy of the processes required by this Section 4.01.

- (a) Tribe, through its Tribal Tax Department, shall collect from Licensed Retailers the documentation specified in clause (v) of Section 4.01(a), shall collect from Licensed Distributors the documentation specified in clause (xii) of Section 4.01(a), and shall retain all such documentation for a period of not less than three years.
- (b) Tribe, through its Tribal Tax Department at Tribe's sole expense, shall prepare and remit to KDOR data regarding Sales of Cigarettes on Compact Lands in the form and format and on the dates reasonably requested by KDOR from time to time and approved by the Tribal Tax Department, such approval not to be unreasonably withheld. Such data shall be prepared based upon the documentation gathered by the Tribal Tax Department pursuant to Section 4.01(b). Such data shall be remitted at the same frequency as comparable data is required to be submitted to the State under applicable State law by State-licensed retailers or distributors of Cigarettes.
- (c) Tribe, through its Tribal Tax Department, shall implement and maintain processes that verify the number of items of indicia of payment of excise tax delivered to the Tribe pursuant to Section 5.02, as documented by a contemporaneously created, written receipt received from the State, the number of such items of indicia applied to Cigarettes delivered to Licensed Retailers as documented by one or more contemporaneously created, written statements from each Licensed Distributor, the number of such items of indicia that may be damaged, torn, mutilated or otherwise unusable and returned to the State, documented by a contemporaneously created, written receipt received from the State, the number of such items of indicia on hand from time to time at the Tribal Tax Department and each Licensed Distributor documented on contemporaneously created, written inventory sheets. Tribe, through its Tribal Tax Department, shall retain all such documentation for a period of not less than three years.
- (d) On the Effective Date, the Tribal Tax Department shall seize as contraband all Cigarettes held for Sale by Licensed Retailers which do not satisfy the requirements of Section 4.01(a)(vi). Such contraband Cigarettes shall be destroyed subject to oversight by the Tribal Tax Department and KSAG. Notwithstanding any provision of this Compact to the contrary, all Packs of Cigarettes in the inventory of a Licensed Retailer on the Effective Date which bear either a Tribal excise tax stamp or a State excise tax stamp shall be deemed to bear indicia of excise tax payment as provided in Section 5.02 for all purposes of this Compact.

Section 4.02. State Obligations.

- (a) The State agrees to reimburse the Tribe for the economic cost incurred by the Tribe in assisting the State in its ongoing diligent enforcement efforts under the MSA and Secondary Settlement Agreement. Reimbursement shall be as follows:

- (i) \$50,000.00 to be received by the Tribe on or before the end of each calendar quarter (March 31, June 30, September 30 and December 31) during the initial ten (10) year term of this Compact.
 - (ii) In the event this Compact continues for additional ten (10) year terms, the quarterly payment amount shall be increased fifteen percent (15%) over the quarterly payment amount payable during the immediately prior ten (10) year period.
- (b) As provided by Section VII of the Memorandum of Understanding for Voluntary Compliance for Cigarette Sales and Reporting (the “MOU”), entered into between the Tribe and the State, with an effective date of July 28, 2016, for its full compliance with the terms of such MOU, the State agrees to a one-time payment to the Tribe in the amount of \$50,000 to be paid on July 1, 2017.
- (c) As additional consideration to reimburse the Tribe for the economic cost incurred by the Tribe in assisting the State in its ongoing diligent enforcement efforts under the MSA and the 2003 NPM adjustment settlement agreement, including the 2012 term sheet agreement, the following shall be exempt from tax imposed by the Kansas Retailers’ Sales Tax Act, K.S.A. 79-3601 *et seq.* and amendments thereto: all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the Kickapoo Tribe in Kansas, a federally recognized Indian Tribe, and used exclusively for Tribal purposes.

ARTICLE V TAX PROVISIONS

Section 5.01. Exercise of Tax Jurisdiction.

- (a) The Tribe shall have the sole right to impose, collect, and retain Sales taxes and excise taxes on transactions conducted by Licensed Retailers and Licensed Distributors involving Cigarettes and other Tobacco Products ultimately Sold to Consumers by Licensed Retailers on Compact Lands. Further, the Tribe shall have the sole obligation hereunder to impose Sales taxes and excise taxes on such transactions to the extent described herein. With respect to such Cigarettes or other Tobacco Products, the State shall not impose any Sales tax, excise tax, privilege tax, use tax, other tax, licensing fee, user fee or other fee at any point in the stream of commerce:
- a.a. where the legal incidence of any such tax or fee falls on any such Consumer; or
 - a.b. which, if passed through in whole or in part to any such Licensed Retailer or Licensed Distributor, would have the effect of increasing such Licensed Retailer’s or Licensed Distributor’s cost of goods Sold;

provided, however, for the avoidance of doubt, such restrictions shall not apply to escrow payments, directory fees, or any bond required under the Escrow Statutes with respect to such Cigarettes. The State shall take no affirmative action to enable or authorize any other individual or entity to take

any action which, if taken directly by the State, would violate this Section 5.01(a).

- (b) Notwithstanding any provision of Section 5.01(c) to the contrary, the Tribe shall levy upon the consensual Sale of Cigarettes by a Licensed Retailer to a Consumer on Compact Lands a tax computed as a percentage of the actual Sales price thereof exclusive of any rebates. For purposes of the preceding sentence, such Sales tax shall be levied at a rate no lower than the lowest of (i) five percent (5%), or (ii) the Kansas Sales tax rate in effect at the time of such Sale less 1.5%; *provided, however*, that the fixed amount computed pursuant to this Section 5.01(b) shall not be less than \$0.00. Nothing in this Compact shall prohibit the Tribe, in its sole discretion, from levying Sales tax on such Sales at a rate higher than that required in the preceding sentence.
- (c) Subject to Section 5.01(d), the Tribe shall levy upon the consensual Sale of Cigarettes on Compact Lands an excise tax computed from time to time as a fixed amount per Carton of Cigarettes or fractional part thereof. For purposes of the preceding sentence, such fixed amount per Carton of Cigarettes shall be no lower than the lowest of (i) the lowest excise tax rate per Carton of Cigarettes levied or imposed at the time of computation pursuant to the laws of any of the states immediately bordering the State; (ii) the excise tax rate per Carton of Cigarettes levied or imposed at the time of computation pursuant to the laws of the State less \$11.20 per Carton of Cigarettes; or (iii) the lowest aggregate excise tax rate per Carton of Cigarettes levied or imposed at the time of computation by any Indian Tribe which is party to a Cigarette/Tobacco Product compact with the State; *provided, however*, that the fixed amount computed pursuant to this Section 5.01(c) shall not be less than \$0.01 per Carton. Nothing in this Compact shall prohibit the Tribe, at its sole discretion, from levying excise tax on such Cigarettes in an amount higher than that required in the preceding sentence. Such excise tax shall be paid only once and shall be imposed on and paid by the Licensed Distributor which Sells Cigarettes to a Licensed Retailer for Sale to Consumers on Compact Lands. For the avoidance of doubt, the Tribe shall not be required to levy such excise tax on any Sale of Cigarettes where the Licensed Distributor intends to Sell such Cigarettes outside Compact Lands.
- (d) Notwithstanding any other provision of this Compact to the contrary, the Tribe shall levy upon the consensual Sale of roll-your-own tobacco on Compact Lands an excise tax of not less than 1% of the wholesale Sale price of such roll-your-own tobacco. Such excise tax shall be paid only once and shall be imposed on and paid by the Licensed Distributor at the time that the Licensed Distributor (a) brings or causes to be brought onto Compact Lands such roll-your-own tobacco for Sale on Compact Lands, (b) makes, manufactures, or fabricates such roll-your-own tobacco on Compact Lands for Sale on Compact Lands, or (c) ships or transports such roll-your-own tobacco to any Licensed Retailer on Compact Lands to be Sold by such Licensed Retailer on Compact Lands. For the avoidance of doubt, the Tribe shall not be required to levy such excise tax on any sale of roll-your-own tobacco where the Licensed Distributor intends to Sell such roll-your-own tobacco outside

Compact Lands.

Section 5.02. Indicia of Tax; Distribution and Transport.

- (a) The Tribal Tax Department and KDOR shall jointly design and designate indicia of payment of the excise tax levied pursuant to Section 5.01(c). Such indicia shall include at a minimum the acronym “KTIK” the word “Kansas,” and an inventory control number, code or other technology in a form and color mutually agreeable to the Tribe and KDOR. The State shall produce, or cause to be produced, and deliver to the Tribe all such indicia as may be required for Tribe to comply with its obligations hereunder, including but not limited to Tribe’s obligations pursuant to Section 4.01(a)(vi). The State shall cause said stamps to be produced and the cost split equally with the Tribe. (b) For purposes of this Compact, the Parties agree that the following shall constitute contraband:
- (i) All Packs of Cigarettes, in quantities of 20 Cigarettes per Pack or more, not bearing indicia of payment of excise tax as required in this Compact and all devices for vending Cigarettes in which unstamped Packs are found;
 - (ii) all Cigarettes or Tobacco Products in the possession of a minor;
 - (iii) all property, other than vehicles, used in the retail Sale of Packs of Cigarettes described in clause (i);
 - (iv) any Cigarettes Sold, offered for Sale, or possessed for Sale on Compact Lands where such Cigarettes are not a brand of an Approved Manufacturer; and
 - (v) any Cigarettes to which tax indicia has been affixed, was caused to be affixed, or the tax paid thereon as required by Section 5.01(c) or (d) of this Compact, where such Cigarettes are not a brand of an Approved Manufacturer.
- (b) Notwithstanding any provision of this Compact to the contrary, any Pack of Cigarettes Sold by a Licensed Retailer, in the possession of a Licensed Retailer, or in transit to a Licensed Retailer with proper bills of lading from a Licensed Distributor in each case bearing the indicia of payment of excise tax described in Section 5.02(a) shall be deemed to be bearing indicia of payment of State excise tax for all purposes of State law and, in any event, shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process on grounds of non-payment of any State tax.
- (c) Notwithstanding any provision of this Compact to the contrary, any Cigarette in the possession of a Licensed Distributor with premises on Compact Lands or which are in transit, with proper bills of lading showing shipment from the relevant Tobacco Product Manufacturer or its importer to a Licensed Distributor with premises on Compact Lands, but in either case not bearing indicia of payment of excise tax pursuant to Section 5.02(a), or for which tax has not been paid pursuant to Section 5.01(d), shall be deemed not to be a

common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process, in each case on grounds of non-payment of State excise tax, if the related Tobacco Product Manufacturer is an Approved Manufacturer.

- (d) Any Tobacco Product, other than Cigarettes, which is in the possession of a Licensed Distributor with premises on Compact Lands or is in transit, with proper bills of lading showing shipment from the relevant manufacturer or its importer to a Licensed Distributor with premises on Compact Lands, but in either case not bearing indicia of payment of excise tax pursuant to Section 5.02(a), or for which tax has not been paid pursuant to Section 5.01(d), shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process, in each case on grounds of non-payment of any State tax.
- (e) Any Tobacco Product, other than Cigarettes described in Section 5.02(c), in the possession of a Consumer which a Consumer can demonstrate was purchased from a Licensed Retailer, shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process on grounds of non-payment of any State tax.
- (f) In the event KSAG or KDOR has actual knowledge that any Pack of Cigarettes described in Section 5.02(c) or (d) or any Tobacco Product described in Section 5.02(e) is seized or confiscated under color of State law or process as in effect from time to time, then KSAG or KDOR, as applicable, shall transmit written notice of such seizure or confiscation to the Tribe within two Business Days of first acquiring such actual knowledge.
- (g) Notwithstanding any provision of this Compact to the contrary, the possession, gift, or use on Qualified Tribe Lands of noncommercial privately produced tobacco for religious or ceremonial use shall be exempt from taxation by State and may be exempt from taxation by Tribe. Such tobacco shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction as a common nuisance or contraband pursuant to State law or process, in each case on grounds of non-payment of any State tax. For purposes of this Section 5.02(h), “tobacco” shall mean any plant, including parts or products thereof, within the genus *Nicotiana* and which does not constitute a “controlled substance” within the meaning of 21 U.S.C. § 802(6).
- (h) For purposes of this Section 5.02 only, references to “State law” mean K.S.A. § 79-3323 and the Escrow Statutes as each may be amended from time to time.

ARTICLE VI AUDITS AND INSPECTIONS

Section 6.01. **Purpose.** The purpose of this Article VI is to provide a process for regular verification of the requirements of this Compact. The verification process is

intended to reconcile data from all sources that make up the stamping, Selling, and taxing activities under this Compact.

Section 6.02. Tribe to Contract with Third Party Auditor. The Tribe and the State agree that, for purposes of verifying compliance with this Compact, the Tribe will contract with and retain an independent third party auditor (the “**Auditor**”). The Tribe and the State shall each bear fifty percent (50%) of the costs of the auditing services. The Tribe and the State shall be entitled to freely communicate with the Auditor; *provided, however*; that all information provided to the State by Auditor shall be provided directly to KDOR. The Tribe shall select the Auditor, subject to the approval of the KSAG; *provided, further*; that such approval shall not be unreasonably withheld; *provided, further*; that the Tribe’s selection of any Auditor possessing a valid Kansas Permit to Practice issued by the Kansas Board of Accountancy shall be deemed approved by the KSAG. The Auditor will review records on an annual calendar year basis to issue an annual report and certification as provided in this Article VI.

Section 6.03. Audit Protocol. To verify compliance with this Compact, the Auditor must adhere to the following protocol:

- (a) **Period Under Review.** The Auditor must review records for the calendar year under audit and may review records for earlier years that are after the Effective Date but only as necessary for an internal reconciliation of the relevant books. Subject to the foregoing, records relating to any period before the Effective Date are not open to review. In situations where the Auditor is responsible for verifying records on less than an annual basis, the period under review shall not include years previously reviewed by the Auditor, except when a violation is alleged to have occurred during the period previously reviewed.
- (b) **Records to be Examined.** The Auditor must review Tribal Tax Department books and records for records and invoices of stamp purchases, records and invoice of Sales of stamped Cigarettes, stamp inventory, the stamping process, products Sold, product inventory records, and such additional records as are necessary to verify (1) the Units Sold, (2) the retail Selling price, including application of Tribal Sales and excise taxes, and (3) procedures demonstrating Tribe’s compliance with Sections 4.01 and 5.01 of this Compact, all with respect to Sales of Cigarettes by Licensed Retailers on Compact Lands. In all situations, the Auditor is not responsible for examining, and shall not examine, records that do not relate to the stamping, Selling, or taxing activities of the Tribe, any Tribal Affiliate, or Tribe’s licensees, unless a review of the records is necessary to an internal reconciliation of the books of the Tribe, any such Tribal Affiliate or any such licensee.
- (c) **Audit Standard.** Each audit performed pursuant to this Article VI shall be performed in accordance with generally accepted auditing standards.

Section 6.04. Audit Report and Certification. After each annual audit, the Auditor shall issue to KDOR and the Tribe an audit report and a certification, as further described below, with respect to compliance with this Compact. The annual audit report

shall set forth the total Units Sold attributable to each Tobacco Product Manufacturer by Licensed Retailers on Compact Lands during the relevant period. The annual audit report shall also include a certified statement of the Auditor to the KDOR that the Auditor finds the Tribe to be in compliance with Sections 4.01 and 5.01 of this Compact or else that the Tribe is in compliance except for specifically listed items that are explained in the annual report.

Section 6.05. Audit Schedule. Audit reviews shall take place following each calendar year (or portion thereof) during the term of this Compact, with an audit report submitted no later than April 1 following such calendar year.

Section 6.06. Joint Audit Implementation and Review. The Tribe and the State shall meet jointly with the Auditor prior to the beginning of each annual audit. The purpose of such meeting will be to discuss the objectives of the upcoming audit, the expectations of the Tribe and of the State, the standards to be used in such audit, and any issues regarding conduct of the audit, records pertinent to the audit or the contents of the Auditor's report. Subsequent meetings before and during the audit may be held as required. As soon as practicable after the issuance of the Auditor's report and certification, the Tribe and the State may meet jointly with the Auditor as often as required to review the audit report and discuss any issue of concern. In the event that either the Tribe or the State disagrees with the Auditor's report or certification, or any audit finding contained therein, either Party may notify the other of the disagreement and follow the procedures for resolution of the disagreement in Article VII of this Compact.

Section 6.07. Inspections.

- (a) The Parties agree that, subject to the requirements and limitations of this Section 6.07, agents or employees of the Tribal Tax Department and agents or employees of KSAG and/or KDOR will conduct joint inspections of Licensed Retailers and Licensed Distributors located on Compact Lands. In connection with any such joint inspection, the Tribe shall permit such agents or employees of the Tribe and agents or employees of KSAG and/or KDOR to review all documentation collected and maintained by the Tribal Tax Department pursuant to Section 4.01(b) and Section 4.01(d).

The agents or employees of the Tribe and agents or employees of KSAG and/or KDOR shall agree to a random sampling methodology for each joint inspection based on generally recognized valid and reliable sampling techniques. The Parties further agree such joint inspections shall not involve complete audits or complete inventories but shall be limited to random sample inspections of stock, tax indicia, and documentation on hand at the premises of a Licensed Retailer or Licensed Distributor, as applicable, for the purposes of verifying that all Cigarettes offered or intended for Sale by any Licensed Retailer on Compact Lands (i) are solely brands of Approved Manufacturers, (ii) were acquired from a Licensed Distributor, and (iii) bear indicia of payment of excise tax to the extent required in Section 5.02. In any event, such joint inspections shall not be disruptive of the business operations of any Licensed Retailer or Licensed Distributor.

- (b) The State reserves the right hereunder to initiate and participate in up to twelve joint inspections described in Section 6.07(a) per calendar year, with a limit of up to two (2) such joint inspection per calendar month; *provided, however*, that joint inspections of any one or more separate premises on the same Business Day shall only constitute one “joint inspection” for purposes of the preceding limitations; *provided, further*, that if the State and Tribe inspection team notes any violations of this Compact by one or more Licensed Retailers or Licensed Distributors during any such joint inspection, the State may initiate, by giving notice in accordance with Section 6.07(c), one follow-up joint inspection with the Tribe of all premises involved in such violations on a subsequent Business Day following the earlier of notice of completed cure or conclusion of any cure period pursuant to Section 7.01(a) related to such violations, with such follow-up joint inspection not counting against the monthly or annual limits set forth in this sentence.
- (c) The Tribe shall make its personnel available for joint inspections permitted hereunder on a Business Day between the hours of 9:00 a.m. and 4:30 p.m. upon prior email notice to the Tribe transmitted by a representative of the State by 10:00 a.m. one Business Day prior to the requested inspection. State representatives and Tribal representatives shall coordinate the details of the joint inspection by 3:00 p.m. on the day of such email notice. Any email notice provided to the Tribal Tax Department pursuant to the Section 6.07 shall be given to the Tribal Chairman at tax.department@ktik-nsn.gov or by written notice.
- (d) Any Packs of Cigarettes found for Sale at a Licensed Retailer during a permitted joint inspection that are not brands of an Approved Manufacturer or that do not bear indicia of payment of excise tax as required in Section 5.02 shall be removed by the Tribal Tax Department until the matter is resolved.
- (e) This Section 6.07 does not limit the Tribe from unilateral enforcement of its laws and regulations and does not authorize the State to unilaterally conduct inspections of Licensed Retailers or Licensed Distributors on Compact Lands; *provided, however*, that the State may conduct test purchases from Licensed Retailers located on Compact Lands and may conduct unobtrusive observation of those portions of Licensed Retailer and Licensed Distributor premises located on Compact Lands which are open to the general public.

ARTICLE VII DISPUTE RESOLUTION

Section 7.01. General.

- (a) In the event Tribe is in default of its obligations pursuant to Section 4.01, Article V or Article VI of this Compact, Tribe shall cure such default within thirty days following receipt of written notice of such default from the State. The Tribe or its representatives shall promptly provide written notice of completion of such cure to State. In the event Tribe does not cure such default, the State may initiate dispute resolution procedures in accordance with the remainder of Article VII of this Compact.

- (b) For purposes of this Article VII, each of the State and the Tribe may be referred to as a “**Dispute Party.**” Each Dispute Party warrants that it will use its best efforts to negotiate an amicable resolution of any and all disagreements, controversies or claims between any or all Tribal Claim Parties and the State (each, a “**Dispute**”) arising out of or in connection with this Compact (including without limitation claims relating to the validity, construction, performance, breach and/or termination of this Compact). Negotiation pursuant to this Section 7.01(b) shall be commenced by one Dispute Party providing written notice to the other Dispute Party of the existence of a Dispute. The written notice shall provide a concise summary of the nature of the Dispute. Promptly following delivery of any such written notice, and in no event later than thirty (30) days following such delivery, the Governor of the State of Kansas and the Tribe’s Chairperson, or their respective designees, shall commence good faith negotiations to resolve such Dispute(s). If the Dispute Parties are unable to negotiate an amicable resolution of any such Dispute within thirty (30) days following such commencement of good faith negotiations or such longer time period as the Dispute Parties may mutually agree in writing, either Dispute Party may submit the matter to arbitration for final resolution. Notwithstanding the foregoing or any other provision of this Compact to the contrary, either Dispute Party may immediately commence arbitration proceedings for the purpose of seeking emergency relief pursuant to the Rules addressing “Emergency Measures of Protection.”

Section 7.02. Arbitration.

- (a) *Initiation; Selection of Panel.* Subject to the requirements of Section 7.01, arbitration may be initiated by either Dispute Party by serving written notice to the other Dispute Party and by complying with the requirements of the Rules. Within seven days following initiation of the arbitration proceedings, each Dispute Party shall notify the other Dispute Party and the AAA of its disinterested and independent nominee for an arbitrator. If the Dispute Parties agree upon the nomination of a single arbitrator for the Dispute within ten days following initiation of arbitration, such nominee shall serve as sole arbitrator of the Dispute. If the Dispute Parties do not agree to a single arbitrator, the arbitration panel shall consist of three disinterested and independent arbitrators. In that event, the two arbitrators nominated by the Dispute Parties shall nominate the third disinterested and independent arbitrator to serve with them. In the event the two arbitrators fail for any reason to name the third arbitrator within seven days, the AAA shall name the third arbitrator. In any event, such third arbitrator shall serve as chairperson of the arbitration panel. Notwithstanding the foregoing, the Rules shall govern the selection and number of arbitrators for any Dispute governed by the Emergency Measures of Protection or Expedited Procedures provisions of the Rules, or both.
- (b) *Rules; Federal Question; Choice of Law.* Except as the Dispute Parties may subsequently agree otherwise in writing, the arbitration shall be conducted and enforced in accordance with the Commercial Arbitration Rules and

Mediation Procedures (the “Rules”) of the (“AAA”), as such Rules may be modified by this Compact, the Federal Arbitration Act, and to the extent not preempted by the Federal Arbitration Act, the Kansas Uniform Arbitration Act. The Parties agree and acknowledge that judicial resolution and enforcement of any Dispute or a settlement or arbitration decision issued hereunder with respect thereto, involves questions of federal law. The law governing any Dispute shall be limited to applicable federal law, the common law of the United States, and Kansas law, in that order and without reference to internal conflicts of laws principles.

- (c) *Proceedings.* Any arbitration shall be conducted at a place designated by the arbitration panel in Topeka, Kansas or any other location as the Dispute Parties may mutually agree in writing. Except for proceedings governed by the Rules on “Emergency Measures of Protection” or by the “Expedited Procedures” contemplated by the Rules, if applicable, the arbitration panel shall commence proceedings within 30 days of appointment of the final arbitrator, and hold proceedings providing each Dispute Party a fair opportunity to present its side of the Dispute, together with any documents or other evidence relevant to resolution of the Dispute. The arbitration decision shall be final and binding upon the Parties unless, during or following completion of the arbitration proceedings, the Dispute Parties have met and arrived at a different settlement of the Dispute. The arbitrators shall have the power to grant equitable or injunctive relief and specific performance of this Compact. The arbitrators shall not have the power to award monetary relief, including damages, penalties, or costs and expenses, including attorneys’ fees, to the extent not otherwise expressly permitted by the terms of this Compact. The Parties and the arbitrators shall maintain strict confidentiality with respect to the arbitration.
- (d) *Expenses.* The reasonable expenses of Dispute resolution shall be paid equally by the Dispute Parties, who shall also pay their own expenses; *provided, however,* that any Dispute Party who (1) fails or refuses to submit to arbitration following a proper demand by any other Dispute Party, or (2) fails or refuses to voluntarily comply with the terms of any settlement or arbitration decision issued hereunder, shall bear all costs and expenses, including reasonable attorneys’ fees, incurred by such other Dispute Party in compelling arbitration of any Dispute or enforcing any settlement or arbitration decision.
- (e) *Enforcement.* If enforcement of a settlement or arbitration decision becomes necessary by reason of failure of one or more Parties to implement its terms voluntarily, or if one of the Dispute Parties refuses to participate in arbitration as provided in this Section 7.02 and the other Dispute Party seeks enforcement of any provision of this Compact, the Parties agree that, subject to the limited waivers of sovereign immunity contained herein, the matter may be resolved by judicial resolution and enforcement and that venue for judicial resolution and enforcement shall be in the United States District Court for Kansas pursuant to the specific provisions of this Compact, in any other court of competent jurisdiction, and in any other court having appellate

jurisdiction over any such court. In any such proceeding, service on any Dispute Party shall be effective if made by certified mail, return receipt requested to the address set forth in or otherwise designated pursuant to Section 8.06.

Section 7.03. Limited Waivers by Tribe. The Tribe hereby waives its sovereign immunity, its right to require exhaustion of tribal remedies, and its right to seek tribal remedies with respect to any Dispute, effective only if the Tribe fails to implement the terms of a settlement or arbitration decision voluntarily or refuses to participate in arbitration, and subject to the following specific limitations:

- (1) *Limitation of Claims.* The limited waiver granted pursuant to this Section 7.03 shall encompass (A) claims which seek monetary relief for direct damages attributable to Tribe's breach of this Compact and for costs and expenses, including reasonable attorneys' fees, to the limited extent provided in Section 7.02(d), (B) claims for equitable remedies, and (C) actions to compel Dispute resolution by arbitration or for enforcement of a settlement or arbitration decision as provided in this Article VII. Notwithstanding the foregoing or any other provision of this Compact to the contrary, such limited waiver shall in no event extend to or encompass claims which seek indirect, incidental, special, consequential, punitive, exemplary or reliance damages (including, without limitation, lost or anticipated revenues, lost business opportunities or lost Sales or profits, whether or not any Party has been advised of the likelihood of such damages) against Tribe or any Tribal Affiliate, and neither Tribe nor any Tribal Affiliate shall be liable for any such damages.
- (2) *Time Period.* The limited waiver granted pursuant to this Section 7.03 shall commence upon the Effective Date of this Compact and shall continue until the date of its termination or cancellation pursuant to the terms of this Compact, except that the limited waiver shall remain effective for any proceedings then pending or initiated within 180 days following termination of this Compact for breach, and all permitted appeals therefrom.
- (3) *Recipient of Waiver.* The limited waiver granted pursuant to this Section 7.03 is granted to and for the sole benefit of the State, and may not be assigned or granted to any other individual or entity.
- (4) *No Revocation.* The Tribe agrees not to revoke its limited waiver of sovereign immunity contained in this Section 7.03. In the event of any such revocation, the State may, at its option, declare this Compact terminated for breach by the Tribe.
- (5) *Limitation Upon Damages.* Any monetary award or awards against the Tribe shall be limited, in the aggregate, to an amount equal to total tax revenues and gross profits actually received by the Tribe or Tribal Affiliates attributable to the Sale of Cigarettes during the term of this Compact.
- (6) *Credit of the Tribe and Tribal Affiliates.* Except as otherwise expressly provided in this Section 7.03, the limited waiver granted pursuant to this Section 7.03 shall not implicate or in any way involve the credit of the Tribe or any Tribal Affiliate.

Section 7.04. Limited Waiver by State. The State hereby waives its sovereign immunity, effective only if the State fails to implement the terms of a settlement or arbitration decision voluntarily or refuses to participate in arbitration pursuant to this Compact, subject to the following specific limitations:

- (1) *Limitation of Claims.* The limited waiver granted pursuant to this Section 7.04 shall encompass (A) claims which seek monetary relief for direct damages attributable to State's breach of this Compact and for costs and expenses, including reasonable attorneys' fees, to the limited extent provided in Section 7.02(d), (B) claims for equitable remedies, and (C) actions to compel Dispute resolution by arbitration or for enforcement of a settlement or arbitration decision as provided in this Article VII. Notwithstanding the foregoing or any other provision of this Compact to the contrary, such limited waiver shall in no event extend to or encompass claims which seek indirect, incidental, special, consequential, punitive, exemplary or reliance damages (including, without limitation, lost or anticipated revenues, lost business opportunities or lost Sales or profits, whether or not any Party has been advised of the likelihood of such damages) against the State, and the State shall not be liable for any such damages.
- (2) *Time Period.* The limited waiver granted pursuant to this Section 7.04 shall commence upon the Effective Date of this Compact and shall continue until the later of the date of its termination or cancellation pursuant to the terms of this Compact or the date on which the State has no surviving obligations pursuant to Section 8.02 and no surviving payment obligations pursuant to Section 4.02(a), except that the limited waiver shall remain effective for any proceedings pending on such date or initiated within 180 days following termination of this Compact for breach, and all permitted appeals therefrom.
- (3) *Recipient of Waiver.* The limited waiver granted pursuant to this Section 7.04 is granted to and for the sole benefit of the Tribe (for itself and the other Tribal Claim Parties), and may not be assigned or granted to any other individual or entity.
- (4) *No Revocation.* The State agrees not to revoke its limited waiver of sovereign immunity contained in this Section 7.04. In the event of any such revocation, the Tribe may, at its option, declare this Compact terminated for breach by the State.
- (5) *Limitation Upon Damages.* Any monetary award or awards against the State shall be limited, in the aggregate, to an amount equal to total tax revenues and gross profits actually received by the Tribe or Tribal Affiliates attributable to the Sale of Cigarettes during the term of this Compact.

ARTICLE VIII MISCELLANEOUS

Section 8.01. Other Compacts.

- (a) During the Term of this Compact, State may enter into and be party to one or more compacts or other agreements regarding possession, transport, distribution, or Sale of Cigarettes or other Tobacco Products, including but

not limited to taxation and escrow collection, with the Iowa Tribe of Kansas and Nebraska, the Prairie Band Potawatomi Nation, or the Sac and Fox Nation of Missouri in Kansas and Nebraska.

- (b) State shall not enter into or be party to any such compact or agreement with any Indian Tribe during the Term of this Compact, except as otherwise provided in Section 8.01(a).

Section 8.02. Confidentiality. All information provided hereunder to the State shall be provided directly to KDOR and shall be treated as confidential pursuant to K.S.A. 2015 Supp. Sections 50-6a11(e), 50-6a11(f), and 75-5133; *provided, however*, that the State is permitted to provide or share such information pursuant to K.S.A. 2015 Supp. Sections 50-6a11(a) or 75-5133(b)(19).

Section 8.03. No Concessions. By entering into this Compact, the Parties acknowledge and agree that, except as expressly provided herein, the Tribe does not concede that: (a) the laws of the State, including any taxation or civil regulatory laws, apply to the Tribe, its members or any Tribe Affiliate regarding activities and conduct on Qualified Tribe Lands or otherwise within the Tribe's jurisdiction; or (b) the Qualified Tribe Lands are located in or within the State or are otherwise part of the State. By entering into this Compact, the Parties acknowledge and agree that, except as expressly provided herein, the State does not concede that its interests, jurisdiction or sovereignty, as authorized, permitted or recognized by federal law, is diminished, limited or preempted in any manner.

Section 8.04. Most-Favored Nation. The State agrees that Tribe may propose an amendment to this Compact by written notice to the State based upon any provision of a compact permitted by Section 8.01 which Tribe desires to include as a provision in this Compact. If the State Legislature does not approve such proposed amendment at the legislative session next following the Tribe's request for such amendment, Tribe may terminate this Compact at any time thereafter by providing thirty days' written notice to State.

Section 8.05. Construction.

- (a) Each Party has received independent legal advice from its attorney(s) of choice and neither Party shall be deemed the author or drafter of this Compact. Therefore, any rule or canon of construction (whether pertaining to contracts, statutes, treaties or otherwise) that, in the case of an ambiguity, such ambiguity is construed against the author or drafter is not applicable. The language of all parts of this Compact shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the Parties. It is the intent of the Parties that this Compact shall be construed to reflect that the Parties are of equal stature and dignity and have dealt with each other at arm's-length. Accordingly, any statutory or judicial rules or canon concerning the construction of vague or ambiguous terms (whether pertaining to contracts, statutes, treaties or otherwise) that might otherwise be used in the interpretation or enforcement of this Compact, including construction of ambiguities either in favor of or against a state or Indian Tribe, is not applicable to this Compact and shall not obtain to the benefit or

detriment of any Party, nor shall the terms and conditions of this Compact be extended by implication to the benefit or detriment of any Party, it being the intent of the Parties that the construction of this Compact shall be controlled by its express terms and not by implication.

- (b) The Article, Section and other headings contained in this Compact are for reference purposes only and shall not affect the meaning or interpretation of this Compact.

Section 8.06. Notice. Except as otherwise expressly provided in Section 6.07(c), any notices or communications required or permitted to be given hereunder shall be in writing and shall be sent by manual delivery, overnight courier or United States certified mail (postage prepaid and return receipt requested) addressed to the respective Party at the address specified below, or at such other address as such Party shall have specified to the other Parties hereto in writing.

If to the Nation:

Chairperson and Tribal Council
Kickapoo Tribe in Kansas
1107 Goldfinch Rd.
Horton, KS 66439

If to the State:

Office of the Governor
300 SW 10th Ave., Ste. 241S
Topeka, KS 66612-1590

with copies to:

Office of the Kansas Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612-1597
and

Secretary of Revenue
915 SW Harrison Street, Second Floor
Topeka, KS. 66612-1588

All periods of notice shall be measured from, and such notices or communications shall be deemed to have been given and received on, the date of delivery as evidenced by the signed receipt of such notice or communication by the addressee or its authorized representative.

Section 8.07. Limited Purpose. Nothing in this Compact shall be deemed to authorize the State to regulate or tax the Tribe, its members, or any Tribal Affiliate or to interfere with the Tribe's government or internal affairs. This Compact shall not alter, limit, diminish or preempt Tribal, federal or State sovereignty, authority, civil adjudicatory jurisdiction or criminal jurisdiction, except as expressly provided herein. Subject to Section 2.03 and the provisions of this Compact regarding Approved

Manufacturers, nothing in this Compact shall require that the Tribe, any Tribal Affiliate, or any Licensed Retailer or Licensed Distributor obtain or maintain any license from, or otherwise submit to the jurisdiction of, the State. Nothing in this Compact shall constitute a stipulation by any party as to the actual boundaries of Tribe’s federally-established reservation.

Section 8.08. Entire Agreement; Amendments. This Compact constitutes the entire understanding between the Parties and supersedes any and all prior or contemporaneous understandings and agreements, whether oral or written, between or among the Parties, with respect to the subject matter hereof. Subject to Section 8.04, this Compact can only be amended or modified with the same formality required to make the original Compact valid and enforceable.

Section 8.09. No Assignment; Beneficiaries. This Compact is personal in nature, and no Party may directly or indirectly assign or transfer it by operation of law or otherwise. Nothing in this Compact, express or implied, is intended to or shall confer upon any individual or entity, other than the Parties hereto, any right, benefit or remedy of any nature whatsoever under or by reason of this Compact; *provided, however*, that subject to the terms and provisions of Article VII, each Tribal Claim Party (other than the Tribe) is an express third-party beneficiary of this Compact.

Section 8.10. Survival. Upon the termination or cancellation of this Compact, the obligations of the parties hereunder shall terminate, except that the provisions of Sections 7.01, 7.02, 7.03, 7.04, and 8.02 shall survive such termination or cancellation and the State’s payment obligations pursuant to Section 4.02(a) shall survive such termination or cancellation only until satisfaction of such obligations.

Section 8.11. Severability. The terms, provisions, agreements, covenants and restrictions of this Compact are non-severable and, unless otherwise agreed to by the Parties, this Compact shall terminate if any term, provision, agreement, covenant or restriction in this Compact is held by a court of competent jurisdiction or other authority to be invalid, void, or otherwise unenforceable. In the event either Party has actual knowledge that the validity or enforceability of this Compact or any of its terms, provisions, agreements, covenants or restrictions are being challenged in a court of competent jurisdiction or other authority, such Party shall transmit written notice thereof to the other Party within three Business Days of acquiring such actual knowledge. The Parties agree to reasonably cooperate with each other and oppose any such challenge.

IN WITNESS WHEREOF, the Parties hereto have executed this Compact as of the respective dates indicated below.

Kickapoo Tribe in Kansas

The State of Kansas

By: _____
Lester Randall, Chairperson

By: _____
Sam Brownback, Governor

Date: _____

Date: _____

EXHIBIT A

The land described as follows is the subject of a Bureau of Indian Affairs fee-to-trust conversion for the beneficial use of the Kickapoo Tribe as authorized in accordance with Section 5 of the Indian Reorganization Act, 25 USC 465 and 25 USC 2719. This application is known at the Bureau of Indian Affairs as "Highway 75":

Tract No. 1

Commencing at the Southwest Corner of the Southwest Fractional One-Quarter (SW Fr $\frac{1}{4}$) of Section 34, Township 4 South, Range 15 East of the Sixth Principal Meridian, Brown County, Kansas; thence N89°59'51"E (assumed bearing) along the South line of said SW Fr $\frac{1}{4}$, 478.20 feet to intersect the East R/W line of US Highway No. 75, and to the *True point of beginning*; thence N0°43'44", 2646.55 feet along said East R/W line to intersect the North line of said SW Fr $\frac{1}{4}$; thence S89°57'24" E, 631.33 feet along said North line to intersect the West R/W line of Old US Highway No. 75 (currently used as County Road R/W); thence following said West R/W line S0°09'54"W, 460.30 feet; thence S0°08'48"W, 770.01 feet; thence S0°08'48"W, 770.01 feet; thence S0°41'36"W, 229.92 feet; thence S0°45'55"W, 410.00 feet; thence S0°31'33"W, 573.60 feet; thence S0°37'32"W, 202.10 feet to the South line of the said SW Fr $\frac{1}{4}$; thence leaving said West R/W S89°59'51"W, 645.97 feet to the *point and place of beginning*. Said tract contains 38.95 acres, more or less.

Tract No. 2

Commencing at the Southwest Corner of the Northwest Fractional One-Quarter, (NW Fr $\frac{1}{4}$) of Section 34, Township 4 South, Range 15 East, 6th PM, Brown County, KS; thence S89°57'24"E (*assumed bearing*) along the South line of said NW Fr $\frac{1}{4}$, 472.33 feet to intersect the East R/W, line of US Highway No. 75, and to the *true point of beginning*, thence N0°43'44"E, 2552.02 feet along said East R/W line; thence N71°58'08"E, 82.91 feet to intersect the West R/W line of Old US Highway No. 75, thence following said West R/W line along a Curve to the left having a Radius of 630.00 feet, an arc length of 59.41 feet, a chord length of 59.39 feet, and a chord bearing of S47°38'55"E, thence S50°21'00"E, 360.00 Feet, thence following a Curve to the right having a Radius of 570.00 feet, an arc length of 504.71 feet, a chord length of 488.39 feet, and a chord bearing of S24°59'00"E; thence S89°37'00", 5.00 feet; thence S0°25'46"W, 1587.44 feet; thence S0°03'54"W, 223.67 feet; thence S0°09'54"W, 54.44 feet to the South line of the said NW Fr $\frac{1}{4}$; thence leaving said West R/W N89°57'24"W, 632.33 feet to the *Point and Place of Beginning*. Said tract contains 33.80 acres, more or less.

Tract No. 3

Commencing at the Northwest Corner of the Northwest Fractional One-Quarter (NW FR $\frac{1}{4}$) of Section 34, T4S, R15E, 6th PM, Brown County, KS; thence S89°52'20"E, (*assumed bearing*) along the North Line of said NW Fr $\frac{1}{4}$, 596.16 feet; thence S01°08'30"W, 50 feet to the intersection of the East R/W line of Old US Highway No. 75 with the South R/W line of K-20 Highway and to the *True Point of Beginning*; thence S89°52'20"E, 457.91 feet along said South R/W line; thence S0°23'00" W, 444.32 feet to intersect the E R/W line of Old US Highway No. 75; thence following said East R/W line along a Curve to the left having a Radius of 630.00 feet, an arc

length of 258.04 feet, a chord length of 256.24 feet, and a chord bearing of N38°36'59"W; thence N50°21'00"W, 360.00 feet; thence following a Curve to the right having a Radius of 570.00 feet, an arc length of 23.57 feet, a chord length of 23.57 feet, and a chord bearing of N49°09'55"W to the *Point and Place of Beginning*. Said tract contains 2.06 acres, more or less.

and,

Commencing at the Southeast Corner of the Southwest Fractional One-quarter (SW FR ¼) of Section 27, Township 4 South, Range 15 East of the Sixth Principal Meridian, Brown County, Kansas, thence North 1° 15'02" West, 54.65 feet along the East line of said SW FR ¼ to a point on the North Right-of-Way (R/W) line of Kansas Highway 20 (K-20) and the true point of beginning; thence following the North R/W line of said K-20, South 88° 08'52" West, 1794.13 feet; thence North 65° 20'21" West, 193.51 feet to a point on the East R/W line of US HWY 75 (US 75); thence following said East R/W line of US 75, North 0° 53'41" West, 2514.36 feet to a point on the North line of said SW FR¼; thence following said North line North 88° 29'48" East, 1952.95 feet; thence South 1° 15'02" East, 2588.64 feet to the point and place of beginning. Said tract contains 116.61 acres, more or less. Subject to all public roads, easements, reservations, restrictions, covenants and conditions, if any, now of record.

and,

The East Half of the Northwest Fractional Quarter of Section 34, Township 4 South, Range 15 East of the 6th P.M., LESS a tract of land in the East half of the Northwest Fractional Quarter of Section 34, Township 4 South, Range 15 East of the 6th P.M., Brown County, Kansas described as follows: Beginning at a point 50.00 feet South of the Northeast corner of the Northwest Fractional Quarter; thence continuing South 0°27'13" West along the East line of the Northwest Fractional Quarter 532.27 feet; thence North 89°52'18" West 383.56 feet; thence North 0°27'13" East 418.61 feet; thence North 86°57'24" West 123.62 feet; thence North 0°27'13" East 107.36 feet to the South right of way of Highway K-20; thence South 89°52' 18" East along said right of way 507.06 feet to the POINT OF BEGINNING, containing 5.00 acres more or less, AND subject to a permanent easement reserved by the Grantor and Grantor's assigns, 30 feet in width across the northern boundary of said East half of the Northwest Fractional Quarter of Section 34, Township 4 South, Range 15 East of the 6th P.M., for purposes of servicing the Rural Water District line, and,

The land includes mineral and surface, and is not leased, adjoins trust lands on reservation, and is on reservation, and the land contains a vacant truck plaza.

Resolution No. KT17-30

Resolution

WHEREAS, the Kickapoo Tribe in Kansas is organized in accordance with the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat 984), as amended by the Act of June 15, 1935 (49 Stat 378); and

WHEREAS, the Kickapoo Tribe in Kansas is governed by the Kickapoo Tribal Council who is authorized under Article III of the Kickapoo Constitution and By-Laws which

were approved by the Secretary of the Interior on February 26, 1937; and

WHEREAS, the Kickapoo Tribal Council is authorized under Article V, Section 1(a) to negotiate with the Federal, State, and local governments; and

WHEREAS, the Kickapoo Tribe has negotiated a compact with the State of Kansas relating to the cigarette and tobacco sales, taxation and escrow collection on compact lands of the Kickapoo Tribe in Kansas; and

WHEREAS, the Compact Relating to Cigarette and Tobacco Sales, Taxation and Escrow Collection will be introduced for approval during the 2017 Kansas legislative session; and

NOW THEREFORE BE IT RESOLVED, the Kickapoo Tribe hereby the Compact Relating to Cigarette and Tobacco Sales, Taxation and Escrow Collection between the State of Kansas and the Kickapoo Tribe in Kansas.

Certification

The foregoing Tribal Council Resolution was adopted by the Kickapoo Tribal Council in a regular meeting called for by the Tribal Council Chairman on this 1st day of December 2016, at which 6 members were present, constituting the required quorum, with 5 members voting for, 0 members voting against, with the Chairman not voting.

Lester Randall, Chairman

Fred Thomas, Vice-Chairman

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 23 through January 27, 2017:

Senator Alley: congratulating Gina Hoffman on being named the South-Central Kansas Special Education Cooperative Teacher of the Year for 2016;

Senator Bowers: congratulating Kristi Vetter on being named the Northwest KMEA Outstanding High School Music Educator of the Year, congratulating Kevin Saunders on his induction into the Paralympic Hall of Fame, congratulating Zach Rose on winning the "If I Were Mayor" essay contest, congratulating Cole Keeten on winning the 2016 Happy Birthday Kansas Student Photo Contest, recognizing Hanover High School on winning the 2016 8-Man Division II Football State Championship, congratulating Gail Dunbar on being named the City of Plainville's Citizen of the Year for 2016, congratulating Dylan Koehn on winning the 2016 Happy Birthday Kansas Student Photo Contest, celebrating Gladys Kennedy's 100th Birthday;

Senator Haley: celebrating William Hall's 100th Birthday; and

Senator Hardy: congratulating Marissa Kaye Vaughn on being the second place winner in the 2016 Happy Birthday Kansas Student Photo Contest.

On motion of Senator Alley, the Senate adjourned until 1:30 p.m., Monday, January 30, 2017.

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 30, 2017, 1:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Olson was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, You brought us into this Capitol, under this dome, into these halls, for a new week of work. The work before us is demanding, challenging, taxing. We're being taxed with decisions that can potentially take a toll on us and the concerns of our people; decisions that have the potential of being either negative or positive. But before, during and after all the research and facts are gathered, help us turn to and rely upon Your guidance for the subsequent decisions. Because You can provide the wisdom to turn a negative into a positive and even turn a positive into something more positive. According to Your Word, in Ephesians 4:1-7, You have graciously given each of us differing gifts...divergent perspectives regarding the decisions we have to make. Yet, it's amazing how You can take the daunting tasks that we're taxed with and infuse them...permeate them with wisdom from on high; so much so that those of us making the decisions, along with those of us impacted by the decisions, will have to conclude, "Our results came from God!" As difficult, demanding work which is taxing Your people goes on in these halls, I pray that Your Spirit of Unity will prevail. In the precious Name of the Christ, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Bowers rose on a Point of Personal Privilege to introduce Michael Martin Murphey who sang the Kansas state song "*Home on the Range*."

Senators honored Mr. Murphey with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 98, AN ACT concerning abortion; relating to the woman's-right-to-know act; relating to certain physician information to be disclosed; amending K.S.A. 2016 Supp. 65-6709 and repealing the existing section, by Senators Baumgardner, Alley, Billinger, Bowers, Estes, Fitzgerald, Goddard, Kerschen, LaTurner, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle and Wilborn.

SB 99, AN ACT regulating traffic; concerning the operation of a motor vehicle;

providing penalties for the use of a wireless communication device; amending K.S.A. 2016 Supp. 8-15,111 and 8-2118 and repealing the existing sections, by Committee on Transportation.

SB 100, AN ACT concerning the nursing service scholarship program; scholarships for mental health nurses; amending K.S.A. 74-3292, 74-3293, 74-3294 and 74-3297 and repealing the existing sections, by Senator Baumgardner.

SB 101, AN ACT concerning civil procedure; relating to protection orders; protection from abuse act; protection from stalking act; amending K.S.A. 60-3102, 60-31a01, 60-31a03, 60-31a07, 60-31a08 and 60-31a09 and K.S.A. 2016 Supp. 21-5924, 60-31a02, 60-31a04, 60-31a05 and 60-31a06 and repealing the existing sections, by Senators Pettey, Alley, Baumgardner, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Kerschen, Lynn, McGinn, Petersen, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle and Wilborn.

COMMUNICATIONS FROM STATE OFFICERS

January 24, 2017

Attorney for the Authority, James R. Hubbard, submitted the Johnson County Educational Research Triangle Authority annual report.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2025**, **HB 2027**, **HB 2028**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2025, **HB 2027**, **HB 2028** were thereupon introduced and read by title.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 31, 2017.

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 31, 2017, 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 of Heaven and earth, we've come to the end of our first month of the new year...the first month of this new legislative session. There's much ground yet to be covered, but it's encouraging to know that we can lean on You as we go forward. In fact, You've indicated that it's not wise to lean on any other. Back in 1972, Bill Withers came up with a song, where the singer was saying "Lean on Me" and I'll help you carry on. But he went on to say that it wouldn't be long before he'd need somebody to lean on. In the wisdom You've given us through Solomon, Proverbs 3:5-7, You let us know that we're not to lean on our human understanding or try to be wise in our own eyes. But if we acknowledge You in all our ways, You promised to show us the paths to take. So, Lord, as we press forward, help us to hear Your voice, calling us to lean on You, that You'd help us carry on. Thanks for Your loving direction and protection. 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 102, AN ACT concerning counties; relating to the abatement of nuisances, by Committee on Federal and State Affairs.

SB 103, AN ACT dealing with secretary of state; prohibiting certain political activities, by Committee on Federal and State Affairs.

SB 104, AN ACT concerning state governmental ethics; dealing with lobbyists; amending K.S.A. 46-237 and repealing the existing section, by Committee on Federal and State Affairs.

SB 105, AN ACT concerning campaign finance; prohibiting certain contributions by contractors with public entities, by Committee on Federal and State Affairs.

SB 106, AN ACT concerning elections; dealing with campaign finance; relating to the KanCare program, by Committee on Federal and State Affairs.

SB 107, AN ACT concerning the attorney general; relating to legal representation charges; legal services; creating the attorney general's state agency representation fund, by Committee on Federal and State Affairs.

SB 108, AN ACT concerning firearms; relating to the personal and family protection

act; relating to public employer liability; amending K.S.A. 2016 Supp. 75-7c10 and repealing the existing section, by Committee on Federal and State Affairs.

SB 109, 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 110, AN ACT concerning the state board of regents; relating to supplemental health insurance coverage; authorizing the purchase thereof for certain state employees; amending K.S.A. 2016 Supp. 75-4101 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 111, AN ACT concerning sales and use taxation; relating to the administration thereof; required notices and reports, by Committee on Assessment and Taxation.

SB 112, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; unlawful possession of drug paraphernalia; penalty; amending K.S.A. 2016 Supp. 21-5709 and repealing the existing section, by Committee on Judiciary.

SB 113, AN ACT concerning crimes, punishment and criminal procedure; relating to burglary; amending K.S.A. 2016 Supp. 21-5807 and repealing the existing section, by Committee on Judiciary.

SB 114, AN ACT concerning the revised Kansas code for care of children; relating to rules of evidence; admissibility of certain test results; amending K.S.A. 2016 Supp. 38-2249 and repealing the existing section, by Committee on Judiciary.

SB 115, AN ACT concerning state finances; relating to the investments and reinvestments of state moneys; transfers to and from the state general fund; amending K.S.A. 2016 Supp. 75-2263, 75-4209 and 75-4234 and repealing the existing sections, by Committee on Ways and Means.

SB 116, AN ACT concerning taxation; repealing certain obsolete or expired sections and revising certain sections related thereto; amending K.S.A. 2016 Supp. 74-50,136, 74-8947, 75-4275, 79-225, 79-255, 79-32,117, 79-32,138, 79-32,143a, 79-32,264, 79-32,266 and 79-4502 and repealing the existing sections; also repealing K.S.A. 79-32,117a, 79-32,117b, 79-32,117c, 79-32,117d, 79-32,117e, 79-32,181 and 79-32,192 and K.S.A. 2016 Supp. 79-1705, 79-32,181a, 79-32,203, 79-32,206, 79-32,214, 79-32,215, 79-32,238, 79-32,239, 79-32,240, 79-32,241 and 79-32,244, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 100**.

Federal and State Affairs: **SB 98**.

Judiciary: **SB 101**.

Public Health and Welfare: **HB 2025, HB 2027, HB 2028**.

Transportation: **SB 99**.

CHANGE OF REFERENCE

An objection having been made to **SB 28, SB 30** appearing on the **Consent Calendar**, the Vice President directed the bills be removed and placed on the calendar under the heading of **General Orders**.

COMMUNICATIONS FROM STATE OFFICERS

January 31, 2017

Commissioner of Insurance, Ken Selzer, submitted the 2016 Annual Report of the Kansas Workers Compensation Fund.

The Vice President announced 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 Rule 55, the following appointments submitted by the Governor to the Senate for confirmation were considered.

Senator Denning moved the following appointment be confirmed as recommended by the Committee on **Financial Institutions and Insurance**.

By the Governor

On the appointment to the:

Office of the State Banking Commissioner:

Michelle Bowman, to serve at the pleasure of the Governor

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

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

The appointment was confirmed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 84** be passed.

Also, **SB 77** 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 5** be amended on page 2, in line 23, by striking "and"; in line 26, before the period by inserting "; and (iv) the individual has not previously applied for and received a restricted driver's license pursuant to this section after June 30, 2017"; in line 43, by striking "and";

On page 3, in line 2, after "court" by inserting "; and (v) in going directly to or from any religious worship service held by a religious organization. "Religious organization" shall have the same meaning as defined in K.S.A. 8-234a, and amendments thereto";

On page 4, following line 3, by inserting:

"Sec. 2. K.S.A. 8-298 is hereby amended to read as follows: 8-298. (a) The division of vehicles shall accept any voluntary surrender of a driver's license by the licensee.

(b) A licensee may surrender such licensee's driver's license at any driver license examination station and such driver's license shall be forwarded to the division. Upon surrender of such driver's license, the division shall note on the person's driving record that such driver's license has been voluntarily surrendered.

(c) Nothing herein shall prohibit a person from applying or the division from granting a new driver's license upon application of such person, if the person is otherwise eligible to apply for a driver's license. No person who has voluntarily surrendered such person's driver's license shall be eligible to apply for a new license for a period of at least ~~90~~60 days.

(d) The voluntary surrender of a driver's license under this section shall not affect the authority of the division or of a court to suspend, revoke, cancel or withdraw the person's driving privileges or the privilege to obtain a driver's license under any other statute or ordinance.

(e) This section shall be part of and supplemental to the motor vehicle drivers' license act.;

Also on page 4, in line 4, before "K.S.A" by inserting "K.S.A. 8-298 and"; also in line 4, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "voluntary surrender;"; also in line 2, after "amending" by inserting "K.S.A. 8-298 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 1, 2017.

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 1, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Wilborn was excused.

Invocation by Reverend Cecil T. Washington:

Dear God, our Creator...our Sustainer of life...our Provider; Once again, we're able to stand within these walls...these halls of freedom. It was through blood, sweat and tears; through pain and much suffering, that You enabled us to acquire the freedoms that we enjoy today. Give us Your wisdom and Your guidance as we strive to maintain those freedoms. Lord, we're blessed today, to see in this land of the free, indications of an improved economy. You said in Proverbs 11:11, that the good influence of godly citizens causes a city to prosper, but the moral decay of the wicked drives it downhill. You said in Proverbs 14:34 that righteousness elevates a people, while ungodliness denigrates them. In a moment, Lord, we'll be pledging allegiance to our flag...that symbol of the freedoms that we hold so dear. We thank You Master, for the abundance of blessings that we enjoy today. Help us now, to not forget where they come from. Help us to remember Your commands that Your righteousness might prevail, that under God, Your people may rejoice. In the name of our Lord, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Alley rose on a Point of Personal Privilege to recognize Gina Hoffman, South Central Region Special Education Teacher of the Year. Also introduced were Roy Hoffman and Jaci Hoffman.

Senators honored Gina with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 117, AN ACT concerning agriculture; relating to noxious weeds; declaration by county commissioners; amending K.S.A. 2-1314b and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 118, AN ACT concerning elections; dealing with voter registration; amending K.S.A. 2016 Supp. 22-3722 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 119, AN ACT concerning telecommunications; relating to the Kansas universal

service fund, distributions; Kansas lifeline service; amending K.S.A. 2016 Supp. 66-2006 and 66-2008 and repealing the existing sections, by Committee on Utilities.

SB 120, AN ACT concerning the Kansas uniform securities act; updating references to the federal securities act of 1933; amending K.S.A. 2016 Supp. 17-12a302 and 17-12a402 and repealing the existing sections, by Committee on Judiciary.

SB 121, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms, possession thereof; amending K.S.A. 2016 Supp. 21-6304 and 21-6614 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 21-6614g and 21-6614h, by Committee on Judiciary.

SB 122, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal discharge of a firearm; sentencing; amending K.S.A. 2016 Supp. 21-6308 and 21-6804 and repealing the existing sections, by Committee on Judiciary.

SB 123, AN ACT concerning driving; relating to driving under the influence of alcohol or drugs; suspension or restriction of driving privileges; amending K.S.A. 2016 Supp. 8-1014 and 8-1015 and repealing the existing sections, by Committee on Judiciary.

SB 124, AN ACT concerning the Kansas family law code; relating to child custody, residency and parenting time; evidence of domestic abuse; amending K.S.A. 2016 Supp. 23-3201 and 23-3203 and repealing the existing sections, by Committee on Judiciary.

SB 125, AN ACT concerning civil actions; relating to wrongful conviction; wrongful execution; compensation, by Committee on Judiciary.

SB 126, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or volunteering therein; background checks; amending K.S.A. 2016 Supp. 65-516 and repealing the existing section, by Committee on Public Health and Welfare.

SB 127, AN ACT regulating traffic; concerning escort vehicles, annual registration, by Committee on Transportation.

SB 128, AN ACT concerning crimes, punishment and criminal procedure; relating to hate crimes; sentencing; reporting requirements; amending K.S.A. 2016 Supp. 21-6804 and 21-6815 and repealing the existing sections, by Senator Haley.

SB 129, AN ACT concerning property taxation; relating to certain property located within a federal enclave; authorizing the board of county commissioners to grant an exemption from property taxes, by Committee on Assessment and Taxation.

SB 130, AN ACT concerning the cigarette and tobacco products act; relating to consumable material; amending K.S.A. 2016 Supp. 79-3302 and 79-3399 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 131, AN ACT concerning mental healthcare facilities; relating to Larned state hospital, Osawatomie state hospital and other facilities; privatization; prohibition thereof; amending K.S.A. 76-12a07 and K.S.A. 2016 Supp. 75-3373 and repealing the existing sections, by Senators Tyson, Baumgardner, Bollier, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor and Wilborn.

SB 132, AN ACT concerning the regional system of cooperating libraries; amending K.S.A. 2016 Supp. 75-2550 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 133, AN ACT enacting the Kansas employer e-verify accountability act, by

Committee on Federal and State Affairs.

SB 134, AN ACT concerning employment security law; misclassification of employees; relating to the penalty for violations; amending K.S.A. 2016 Supp. 44-766 and repealing the existing section, by Committee on Federal and State Affairs.

SB 135, AN ACT concerning the department of revenue; relating to driver's license examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015 and repealing the existing section, by Committee on Federal and State Affairs.

SB 136, AN ACT concerning crimes, punishment and criminal procedure; relating to expungement; arrest records; amending K.S.A. 2016 Supp. 22-2410 and repealing the existing section, by Committee on Judiciary.

SB 137, AN ACT concerning retirements and pensions; relating to the Kansas police and firemen's retirement system; providing certain death benefits to surviving spouses; amending K.S.A. 74-4959 and repealing the existing section, by Committee on Ways and Means.

SB 138, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; earnings limitation; exemptions; amending K.S.A. 2016 Supp. 46-2201, 74-4914 and 74-4937 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-4914f, by Committee on Ways and Means.

SB 139, AN ACT repealing K.S.A. 2016 Supp. 60-5311, 60-5312 and 60-5313; concerning the exercise of religious freedom by postsecondary student associations, by Committee on Federal and State Affairs.

SB 140, AN ACT concerning sales taxation; relating to exemptions; Kansas dui impact center, inc.; active aging publishing, inc.; amending K.S.A. 2016 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

SB 141, AN ACT concerning criminal procedure; relating to municipal courts; relating to appearance bonds; amending K.S.A. 12-4301 and K.S.A. 12-4303 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 111**, **SB 116**.

Ethics, Elections and Local Government: **SB 102**, **SB 103**, **SB 104**, **SB 105**, **SB 106**.

Federal and State Affairs: **SB 108**.

Financial Institutions and Insurance: **SB 110**.

Judiciary: **SB 107**, **SB 112**, **SB 113**, **SB 114**.

Ways and Means: **SB 109**, **SB 115**.

CHANGE OF REFERENCE

The President withdrew **SB 72** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Judiciary**.

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 V. Schmidt in the chair.

On motion of Senator V. Schmidt the following report was adopted:

SB 28, SB 30, SB 43 be passed.

SB 22 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 **SB 25** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 2, 2017.

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 2, 2017, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Wilborn was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we gather today as a family...not a biological family, but You've placed each of us in the same household. You providentially put us together in this same legislative body, that we might labor together in making things better. You said in I Corinthians 13:13, that love is the number one principle; foundational to real betterment. And since love is being concerned with the highest good of the other person, help us to not scorn or be scorned due to opposing opinions. Like all families, in all households, You've made us with differences. But still, we're a family...a family that's concerned with good for each of us. So, help us to act like family. Remind us that our differences are products of the gifts You've given us. Teach us then, to LOVINGLY express them, in our interactions with one another. In 1979, Sis, Sledge and Jade made famous the song, "We Are Family." They said "I've got all my sisters with me." Then in 2009, the Chipmunks and the Chipettes expanded on it and said "I've got all my brothers with me". Here in 2017, let it be our song. Let it be a reality in this legislative household that in spite of our differences, we've got each other. As we labor together to make things better, let love for one another be the foundation upon which we build. In the Name of the One Who loves us, in spite of us, 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 142, AN ACT concerning the state health care benefits program; relating to the powers of the Kansas state employees health care commission; requiring legislative approval before changing state coverage options; establishing qualified participants; amending K.S.A. 2016 Supp. 75-6501 and repealing the existing section, by Committee on Ways and Means.

SB 143, AN ACT concerning notaries public; relating to notary errors; pertaining to powers of the secretary of state; requiring a training and education program; amending K.S.A. 53-102 and K.S.A. 2016 Supp. 53-118 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 144, AN ACT regulating traffic; concerning the operation of a motor vehicle in a school zone and a road construction zone; use of a wireless communication device; amending K.S.A. 2016 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

SB 145, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to the system for classification of high schools; amending K.S.A. 2016 Supp. 72-130 and repealing the existing section, by Committee on Education.

SB 146, AN ACT concerning property taxation; authorizing continuation of statewide levy for schools and exemption of portion of residential property therefrom; amending K.S.A. 2016 Supp. 72-6470 and 79-201x and repealing the existing sections, by Committee on Assessment and Taxation.

SB 147, AN ACT concerning income taxation; relating to rates; determination of Kansas adjusted gross income, modifications; amending K.S.A. 2016 Supp. 79-32,110 and 79-32,117 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 148, 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.

SENATE CONCURRENT RESOLUTION No. 1603—

By Senator Holland

A PROPOSITION to amend section 8 of article 2 of the constitution of the state of Kansas, relating to annual sessions of the legislature.

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 8 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 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 odd-numbered years beginning with the year 2019 shall not exceed 90 calendar days. Such sessions may be extended beyond 90 calendar days by an affirmative vote of 2/3 of the members elected or appointed to each house. The duration of regular sessions held in even-numbered years shall not exceed ~~ninety~~ 60 calendar days beginning with the year 2020. Such sessions may be extended beyond ~~ninety~~ 60 calendar days by an affirmative vote of ~~two-thirds~~ 2/3 of the members elected or appointed 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, Sundays 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."

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

"Explanatory statement. This amendment would limit the length of regular sessions of the legislature in even-numbered years to 60 calendar days unless the session is extended beyond 60 days by a vote of $\frac{2}{3}$ of the members elected to each house. The length of regular sessions of the legislature in odd-numbered years would remain at 90 calendar days unless the session is extended beyond 90 days by a vote of $\frac{2}{3}$ of the members elected or appointed to each house.

"A vote for this proposition would limit the length of the regular sessions of the legislature in even-numbered years to 60 calendar days unless extended by a vote of $\frac{2}{3}$ of the members of each house. The length of regular sessions of the legislature in odd-numbered years would remain at 90 calendar days unless the session is extended beyond 90 days by a vote of $\frac{2}{3}$ of the members elected or appointed to each house.

"A vote against this proposition favors retaining current constitutional provisions which provide for legislative sessions each year of not to exceed 90 calendar days unless such sessions are extended by an affirmative vote of $\frac{2}{3}$ of the members of each house "

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2018 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

SENATE CONCURRENT RESOLUTION No. 1604—

By Senators Holland, Faust-Goudeau, Francisco,
Haley, Hawk, Hensley, Pettey, Pilcher-Cook and Rogers

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the sales and compensating use taxation of food and food ingredients, rates.

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 to read as follows:

"§ 14. Sales and Compensating Use Taxation of Food and Food Ingredients; Rates.

(a) Commencing July 1, 2019, and ending June 30, 2020, the rate of sales and compensating use tax on food and food ingredients shall be 4%.

(b) Commencing July 1, 2020, and thereafter, the rate of sales and compensating use tax on food and food ingredients shall be 2%."

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 phase down the rate of sales and compensating use taxation of food and food ingredients to 2%.

"A vote for this proposition would provide the rates of sales and compensating use taxation for food and food ingredients to be as follows:

Commencing July 1, 2019, to June 30, 2020, at 4%; and

Commencing July 1, 2020, and thereafter, at 2%.

"A vote against this proposition would make no changes in current law and continue the sales and compensating use taxation of food and food ingredients at the same rate as most other taxable items."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2018 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 117.**

Assessment and Taxation: **SB 129, SB 130, SB 140.**

Commerce: **SB 133, SB 134.**
Education: **SB 139.**
Ethics, Elections and Local Government: **SB 118, SB 132.**
Financial Institutions and Insurance: **SB 137, SB 138.**
Judiciary: **SB 120, SB 121, SB 122, SB 123, SB 124, SB 125, SB 128, SB 136, SB 141.**
Public Health and Welfare: **SB 126.**
Transportation: **SB 127, SB 135.**
Utilities: **SB 119.**
Ways and Means: **SB 131.**

CHANGE OF REFERENCE

The Vice President withdrew **SB 139** from the Committee on **Education**, and referred the bill to the Committee on **Federal and State Affairs**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1708—

A RESOLUTION recognizing February 3, 2017, as National Wear Red Day.

WHEREAS, Cardiovascular diseases kill one in three women in the United States, yet 80% of cardiac events may be prevented; and

WHEREAS, Cardiovascular diseases and strokes kill one woman every 80 seconds in the U.S.; and

WHEREAS, An estimated 44 million women in the U.S. are affected by cardiovascular diseases; and

WHEREAS, Ninety percent of women have one or more risk factors for developing heart disease; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else was having a heart attack; and

WHEREAS, According to a 2012 study by the American Heart Association, 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared with 65% of Caucasian women, which has resulted in a greater emphasis by Go Red For Women on providing education to minority women; and

WHEREAS, The American Heart Association's Go Red For Women movement motivates women to learn their family histories and meet with their healthcare providers to determine their risks for cardiovascular disease and stroke; and

WHEREAS, Women involved with the Go Red For Women movement live healthier lives; and

WHEREAS, Go Red For Women encourages women to take charge of their health by knowing and managing these five numbers: Total cholesterol, HDL (good) cholesterol, blood pressure, blood sugar and body mass index (BMI): Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 3, 2017, as National Wear Red Day to raise awareness of the importance of the ongoing fight against heart disease and stroke by wearing the color red and urge all citizens to

show their support for women by commemorating this day; and

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

On emergency motion of Senator McGinn **SR 1708** was adopted by voice vote.

COMMUNICATIONS FROM STATE OFFICERS

February 1, 2017

Attorney General, Derek Schmidt, submitted the annual report of the Attorney General's State Medicaid Fraud Forfeiture Fund.

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 2002**, **HB 2006**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2002, **HB 2006** were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 22, AN ACT concerning insurance; relating to third party administrators; regulation; amending K.S.A. 40-3801, 40-3802, 40-3804, 40-3806, 40-3807, 40-3808, 40-3809 and 40-3810 and K.S.A. 2016 Supp. 40-3805 and repealing the existing sections; also repealing K.S.A. 40-3803, was considered on final action.

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

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

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed, as amended.

SB 28, AN ACT concerning income taxation; relating to reporting requirements, dates; amending K.S.A. 2016 Supp. 79-3298 and 79-3299 and repealing the existing sections, was considered on final action.

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

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

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed.

SB 30, AN ACT concerning sales taxation; relating to the Kansas retailers' sales tax act; definitions; amending K.S.A. 2016 Supp. 79-3602 and repealing the existing section, was considered on final action.

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

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

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed.

SB 43, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3504, as amended by section 2 of 2017 House Bill No. 2017 and 25-3507, as amended by section 3 of 2017 House Bill No. 2017 and repealing the existing sections, was considered on final action.

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

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

Present and Passing: Pyle.

Absent or Not Voting: 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 McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

SB 15, SB 17, SB 19 be passed.

SB 33 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 15, SB 17, SB 19** were advanced to Final Action and roll call.

SB 15, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2016 Supp. 40-2c01 and repealing the existing section.

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

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

Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Absent or Not Voting: Wilborn.

The bill passed.

SB 17, AN ACT concerning insurance; enacting the fair access to insurance requirements plan act; amending K.S.A. 40-2101 and repealing the existing section.

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

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

Absent or Not Voting: Wilborn.

The bill passed.

SB 19, AN ACT concerning insurance; relating to reinsurance; amending K.S.A. 2016 Supp. 40-221a and repealing the existing section.

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

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

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed.

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:

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

Joshua Hofer, to fill a term expiring March 15, 2019

Committee on **Financial Institutions and Insurance** recommends **SB 18, SB 65, SB 66, SB 67** be passed.

Also, **SB 14** be amended on page 3, in line 6, by striking the second "and"; following line 6 by and inserting "(3) at every self-service storage location where self-service storage agreements are executed, a sign, approved by the Kansas insurance department, is posted that contains the following, or substantially the same information:

"Section 1 requires the operator of this facility to inform you that insurance sold by this self-storage company may provide duplication of coverage already provided by a renter's or homeowner's policy or other source of coverage. You are encouraged to contact your primary insurance carrier if you have questions about your existing coverage.

Kansas Insurance Department, Ken Selzer, Commissioner";

(4) the insurance policy issued by the self-service storage company is in an amount that does not exceed \$5,000 of coverage per customer per storage unit; and";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 51** be passed.

Also, **SB 52** be amended on page 15, in line 12, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 3, 2017.

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 3, 2017, 8:00 a.m.

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

The roll was called with 27 senators present.

Senators Faust-Goudeau, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pettey, Pilcher-Cook, Pyle, Suellentrop, Sykes, Wagle, and Wilborn were excused.

Invocation by Reverend Cecil T. Washington:

Lord God, You created us and You sustain us. You've carried us through another week of serving in these halls. We're preparing now to take off for the weekend, but we still need You to sustain and carry us. Take each one of us safely to our destinations. And as You did with Your servant, Job, in protecting him, please do the same for us. Chapter 1:10 says that You prospered him, putting a hedge of protection around him, his home and his property. No harm or hurt could come to him unless it first passed through Your approval.

And Lord, when You do allow us to experience unpleasantness, like the Apostle Paul in 2 Cor. 12:9-10, we find, that Your grace...Your sustaining sufficiency, will be all we need.

So, Lord as we take a break, renew, refresh and replenish. Renew our love for You and Your people. Refresh our determination to serve. And replenish our strength. Thank You for hearing and answering this prayer. In Jesus Name, 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 149, AN ACT concerning the attorney general; relating to briefs in a criminal matter or postconviction case in the supreme court or court of appeals, by Committee on Judiciary.

SB 150, AN ACT concerning the Kansas sexually violent predator act; relating to responsibility for costs; amending K.S.A. 2016 Supp. 59-29a04 and repealing the existing section, by Committee on Judiciary.

SB 151, AN ACT concerning non-intoxicating cannabinoid medicine; eliminating criminal and professional penalties for recommending, dispensing, distributing or possessing non-intoxicating cannabinoid medicines and related paraphernalia; amending K.S.A. 2016 Supp. 21-5706, 21-5708, 21-5709, 65-1626 and 65-4123 and repealing the existing sections, by Committee on Judiciary.

SB 152, AN ACT concerning health and healthcare; relating to physicians, physician assistants and advanced practice registered nurses; allowing the use of expedited partner therapy, by Committee on Public Health and Welfare.

SB 153, AN ACT concerning home and community based services; relating to targeted case management services, by Committee on Public Health and Welfare.

SB 154, AN ACT concerning home health agencies; relating to licensure; services provided; amending K.S.A. 65-5102, 65-5103, 65-5107 and 65-5115 and K.S.A. 2016 Supp. 39-1908, 65-5101, 65-5104, 65-5112, 65-5117 and 65-6805 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 155, AN ACT enacting the cannabis compassion and care act; providing for the legal use of cannabis for certain debilitating 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; amending K.S.A. 79-5210 and repealing the existing section, by Senator Haley.

SCR 1605, A CONCURRENT RESOLUTION urging President Donald J. Trump to grant a full pardon to Shane Cox and Jeremy Kettler, who, as a result of severe federal overreach, were unjustly convicted for manufacturing and purchasing firearms, and urging the Kansas Attorney General to join in their defense in federal court, by Committee on Federal and State Federal Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 146**, **SB 147**, **SCR 1604**.

Education: **SB 145**.

Ethics, Elections and Local Government: **SB 148**, **HB 2006**.

Federal and State Affairs: **SCR 1603**.

Financial Institutions and Insurance: **SB 143**.

Transportation: **SB 144**.

Ways and Means: **SB 142**, **HB 2002**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1709—

A RESOLUTION congratulating and commending the individuals selected as award-winning educators in Kansas.

WHEREAS, The Milken Educator Awards program, established by the Milken Family Foundation, provides recognition and financial awards to elementary and secondary school teachers, principals and other educational professionals who are furthering excellence in education; and

WHEREAS, Stephanie Conklin, Principal at Brougham Elementary School in Olathe USD 233, has been selected as the Kansas recipient of the 2016 Milken Educator Award; and

WHEREAS, National Board Certification, which is a voluntary process, is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practices; and

WHEREAS, Deborah Abernathy, Olathe South High School, Olathe USD 233, and Arthur Ballos, Wichita East High School, Wichita USD 259, have satisfied the highest professional qualifications of the National Board for Professional Teaching Standards, to be designated as 2016 National Board Certified Teachers; and

WHEREAS, Thirty-two beginning educators from across the state have been named 2017 Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, currently in its 15th year and sponsored by the Kansas State Department of Education and Capitol Federal, identifies and recognizes exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, This year's recipients are: Region 1: Alexandria Acton, Union Valley Elementary School, Buhler USD 313; Rebecca Burnfin, Bernadine Sitts Intermediate Center, Garden City USD 457; Olivia Casey, Ellinwood Grade School, Ellinwood USD 355; Jeremy Holiday, Saint George Elementary School, Rock Creek USD 323; Carter Kruger, Liberal High School, Liberal USD 480; Anna Nusser, Chapman High School, Chapman USD 473; Jesse Todd, Plum Creek Elementary School, Buhler USD 313, Ashley Winger, Salina West Alternative Program, Salina USD 305; and

Region 2: Ariel Beam, Chanute Elementary School, Chanute USD 413; Jillian Brock, Community Elementary School, Coffeyville USD 445; Jennifer Daley, Shawnee Heights High School, Shawnee Heights USD 450; Margaret LaPiana, Hillcrest Elementary School, Lawrence USD 497; Roger Laubengayer-Mena, Highland Park High School, Topeka USD 501; Tyler Riedel, Washburn Rural Middle School, Auburn-Washburn USD 437; Kelsey Stolt, West Middle School, Lawrence USD 497; Michael Vander Liden, Burlington High School, Burlington USD 244; and

Region 3: Lauren Aiello, Turner Middle School, Turner USD 202; Matthew Baker, Shawnee Mission West Middle School, Shawnee Mission USD 512; Shelby Hansen, Lakewood Middle School, Blue Valley USD 229; Kimberly Ingraham, Pleasant Ridge Elementary School, Olathe USD 233; Courtney MacCallum, Stanley Elementary School, Blue Valley USD 229; Penny Seifert, Turner Sixth Grade Academy, Turner USD 202; Heathyr Shaw, Mill Valley High School, De Soto USD 232; Stephanie Wilhite, Brookridge Elementary School, Shawnee Mission USD 512; and

Region 4: Jill Bajaj, Robinson Middle School, Wichita USD 259; Carly Bowden, Andover Central Middle School, Andover USD 385; Olivia Burbach, Lawrence Elementary School, Wichita USD 259; Cady Jackson, Valley Center High School, Valley Center USD 262; Mallory Keefe, Jefferson Elementary School, El Dorado USD 490; Nova Latta, Chisholm Middle School, Newton USD 373; Michael Russell, Complete High School Maize, Maize USD 266; Alexis Schirmer, Vermillion Elementary School, Maize USD 266: 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 36 enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored, plus one copy to the Commissioner of Education.

On emergency motion of Senator Baumgardner **SR 1709** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1708 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 3, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 30 through February 3, 2017:

Senator Baumgardner: congratulating Crysta Baier and the 4th Grade Class on their work with KC Healthy Kids;

Senator Faust-Goudeau: remembering the life of Dr. Evies Cranford;

Senator Fitzgerald: congratulating Leah Wiegers on receiving the Girl Scout Gold Award, congratulating Phoebe Taylor on receiving the Girl Scout Gold Award; and

Senator Kelly: recognizing Chris Schultz on receiving the Champion of Character Award, recognizing Cole Harrington on receiving the Champion of Character Award.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 6, 2017.

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 6, 2017, 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:

"I know so little about being a leader!" Lord, these were the words of David's son, Solomon, in 1 Kings 3:7-9. He humbled himself when he saw You had elevated him to a leadership position and he asked for Your help.

Based on the positions You've given us, we will study the issues, and we'll give them our best shot. But like Solomon, we need Your help. Give us hearts of wisdom, hearts of humility and unpretentious hearts of sincere servants.

Lord, align our hearts with Yours, that we may discern truth from YOUR perspective...and in that way, know the difference between right and wrong.

You said You were pleased with Solomon's humility and the unselfishness of his request, in not asking for money or harm for his enemies. In ordering his priorities, he asked You to put some sense or understanding in his head, rather than some monetary cents in his pocket.

Yet for us, Lord, there's an ongoing struggle between the head and the pocket. We need both, in order to bless Your people. So, Lord, help us find a balance between the two...a balance that pleases You.

May You be as delighted with us, as You were with Solomon. It pleased You to give him more than what he asked for. You gave him what he needed and then some. YOU showered him with wisdom, money, righteous honor and long life. I pray today, that You shower us with Your grace...that You give us what we need and then some. Lord, let Your favor rain down upon this house and upon all our houses, 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 156, AN ACT concerning crimes and punishment; relating to creating a hazard; amending K.S.A. 2016 Supp. 21-6318 and repealing the existing section, by Committee on Judiciary.

SB 157, AN ACT concerning the Kansas highway patrol; dealing with an agreement with the federal department of homeland security regarding enforcement of immigration

laws, by Committee on Federal and State Affairs.

SB 158, AN ACT concerning immigration; relating to sanctuary policies and the prohibition thereof; duty of law enforcement to cooperate in immigration enforcement; litigation against municipalities; defense by attorney general; claims against the state, by Committee on Federal and State Affairs.

SB 159, 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 Senator Hensley.

SB 160, AN ACT establishing an independent home and community based services ombudsman, by Committee on Ways and Means.

SB 161, AN ACT concerning allotments; relating to the authority of the governor and the secretary of administration; amending K.S.A. 2016 Supp. 75-3722 and 75-6704 and repealing the existing sections, by Committee on Ways and Means.

SB 162, AN ACT concerning public health and safety; relating to dangerous regulated animals; pertaining to the sale, slaughter and acquisition of such animals; amending K.S.A. 2016 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308 and 32-1310 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 32-1309, by Committee on Ways and Means.

SB 163, AN ACT concerning alcoholic beverages; relating to the Kansas liquor control act; retailer's licenses; creating the local cereal malt beverage sales tax fund; amending K.S.A. 2016 Supp. 41-102, 41-301, 41-303, 41-304, 41-310, 41-311, 41-313, 41-326, 41-713 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711 and K.S.A. 2016 Supp. 41-308, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 155**; **SCR 1605**.

Judiciary: **SB 149**, **SB 150**, **SB 151**.

Public Health and Welfare: **SB 152**, **SB 153**, **SB 154**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 6**, **SB 107**, **SB 121**, **SB 151** from the Committee on **Judiciary**, and referred the bills to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2043**, **HB 2045**, **HB 2049**, **HB 2055**, **HB 2098**, **HB 2132**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2043, **HB 2045**, **HB 2049**, **HB 2055**, **HB 2098**, **HB 2132** were thereupon introduced and read by title.

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

Samuel Williams, serves at the pleasure of the Governor

Committee on **Public Health and Welfare** recommends **SB 32** be amended on page 2, following line 1, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 76-382 is hereby amended to read as follows: 76-382.

(a) There is hereby established the medical student loan program at the university of Kansas school of medicine.

(b) Subject to the provisions of appropriation acts, the university of Kansas school of medicine may make medical student loans in accordance with the provisions of this act to undergraduate students enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of doctor of medicine who enter into a written medical student loan agreement with the university of Kansas school of medicine in accordance with K.S.A. 76-383, and amendments thereto.

(c) Each medical student loan agreement under this act shall provide to the person receiving the loan the payment of all tuition and a stipend for living expenses in an amount of up to \$2,000 per month for each month enrolled in such school during a year. Subject to the maximum amount, the amount of the monthly stipend shall be determined on an annual basis by the student receiving the loan.

(d) Subject to the provisions of appropriation acts, medical student loan agreements under this act may be entered into on an annual basis and shall provide the payment of the amounts specified under subsection (c) for one year unless otherwise terminated before such period of time. Subject to the provisions of appropriation acts, an undergraduate student enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of doctor of medicine may receive a separate loan under this act for each separate year the student enters into a written medical student loan agreement with the university of Kansas school of medicine in accordance with K.S.A. 76-383, and amendments thereto. Loans may be awarded retroactively for any academic year that a student has completed successfully at the university of Kansas medical school, but for which a loan had not previously been awarded. Retroactive loans shall be in an amount equal to the amount of tuition paid by the student, plus a stipend in an amount not to exceed the maximum amount of the stipend for such academic year multiplied by the number of months for which the student was enrolled at the medical school during such year. For each separate year a student receives a loan under this act, the student shall engage in the full-time practice of medicine and surgery in an appropriate service commitment area for a period of 12 months unless such obligation is otherwise satisfied as provided in K.S.A. 76-386, and amendments thereto.

(e) Medical student loans shall be awarded on a priority basis as follows, first to qualified applicants who are Kansas residents at the time of entry into the university of Kansas school of medicine, and second, to qualified applicants who are not Kansas residents at the time of entry into the university of Kansas school of medicine. As used

in this subsection, "Kansas residents" means persons who meet the residence requirements established in K.S.A. 76-729, and amendments thereto.

(f) Subject to appropriations, the university of Kansas school of medicine shall enter into medical student loan agreements with six individuals who commit to satisfy obligations to engage in the full-time practice of medicine and surgery in a service commitment area by: (1) Serving as a full-time faculty member of the university of Kansas school of medicine in general psychiatry or child psychiatry pursuant to K.S.A. 76-384(c), and amendments thereto; or (2) performing at least 100 hours per month of on-site mental health care pursuant to K.S.A. 76-384(d), and amendments thereto."

On page 3, in line 33, by striking all after "facility"; in line 34, by striking "or mental health department"; in line 35, after "persons" by inserting "or at a community mental health center"; following line 42, by inserting:

"Sec. 5. K.S.A. 2016 Supp. 76-385 is hereby amended to read as follows: 76-385. (a) (1) Except as otherwise provided in paragraphs (2), (3), (4) and ~~(5) of this subsection~~ ~~(a)~~ or in K.S.A. 76-386, and amendments thereto, upon the failure of any person to satisfy the obligation to engage in the full-time practice of medicine and surgery within a service commitment area of this state for the required period of time under any medical student loan agreement entered into under this act, such person shall repay to the university of Kansas school of medicine in accordance with subsection (b) an amount equal to the total of: (A) The amount of money received by such person pursuant to such agreement, or the amount of money determined under rules and regulations of the university of Kansas; plus (B) annual interest at a rate of 15% from the date such money was received.

(2) Any person who fails to apply for and enter an approved postgraduate residency training program shall be required to repay all moneys received pursuant to an agreement entered into for any such medical student loan, plus accumulated interest at an annual rate of 15% and shall commence such repayment in accordance with subsection (b) within 90 days of graduation from the school of medicine or upon termination or completion of a residency training program which does not comply with the provisions of this act, whichever is later.

(3) If at any time a person is failing to satisfy an obligation to engage in the full-time practice of medicine and surgery in Kansas for the required period of time under an agreement entered into under this act because such person is engaged in the full-time practice of medicine and surgery in a state other than Kansas, or within Kansas in an area that is not a service commitment area or in the practice of medicine and surgery which does not otherwise comply with the agreement entered into under this act, and if such person is subject to or currently making repayments under this section and if such person subsequently commences the practice of medicine and surgery in this state which is in a service commitment area or which otherwise complies with the agreement entered into under this act, the balance of the repayment amount, including interest thereon, from the time of such commencement of practice until the obligation of such person is satisfied, or until the time such person again becomes subject to repayments, shall be waived. All repayment amounts due prior to such commencement of practice, including interest thereon, shall continue to be payable as provided in this section. If subsequent to such commencement of practice, the person fails to satisfy such obligation, the person again shall be subject to repayments, including interest thereon, as otherwise provided in this section.

(4) If, during the time a person is satisfying the service requirement of an agreement entered into under this act, such person desires to engage in less than the full-time practice of medicine and surgery within a service commitment area of the state and remain in satisfaction of such service requirement, such person may make application to the chancellor of the university of Kansas or the designee of the chancellor for permission to engage in less than such full-time practice of medicine and surgery. Upon a finding of exceptional circumstances made by the chancellor of the university of Kansas, or the designee of the chancellor, such person may be authorized to engage in less than the full-time practice of medicine and surgery within a service commitment area of the state for the remaining required period of time under such agreement and for an additional period of time which shall be equal to the length of the originally required period of time multiplied by the decimal fraction which is equal to the reduction of the full-time practice of medicine and surgery to be authorized hereunder, multiplied by two. In any such determination of the period required to be engaged in the less than full-time practice of medicine and surgery, the decimal fraction utilized shall not exceed 0.5 and any person granted permission to engage in less than the full-time practice of medicine and surgery in accordance with the provisions of this paragraph~~(4)~~ shall be required to engage in at least the half-time practice of medicine and surgery.

(5) Any person who enters but fails to complete an approved postgraduate residency training program, or who enters and completes an approved postgraduate residency training program but fails to satisfy the obligation to engage in the full-time practice of medicine and surgery within a service commitment area of this state for the required period of time shall be required to repay all money received pursuant to an agreement entered into under this act a medical student loan, plus accumulated interest at an annual rate of 15% and shall commence such repayment in accordance with subsection (b) within 90 days of failure to complete an approved postgraduate residency training program or 90 days of failure to commence qualifying practice, whichever occurs first.

(b) For any repayment requirement under this section, the person shall repay an amount totaling the entire amount to be repaid under all such agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed. The repayment shall be made in not more than 10 equal annual installment payments.

(c) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreements, as determined by the university of Kansas school of medicine based upon the circumstances of each individual case. In all cases, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.

(d) The total repayment obligation imposed under all agreements entered into under this act may be satisfied by the person who entered into the agreements at any time prior to graduation from the university of Kansas school of medicine by making a single lump-sum payment equal to the total of: (1) The entire amount to be repaid under all such agreements upon failure to satisfy the obligations under such agreements to practice in Kansas; plus (2) all amounts of interest thereon at the rate prescribed to the

date of payment.

(e) The university of Kansas school of medicine shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the medical loan repayment fund.

(f) There is hereby created in the state treasury the medical loan repayment fund. All expenditures from the medical loan repayment fund shall be for medical student loans under the medical student loan act and for the expenses of administration of the medical student loan act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chancellor of the university of Kansas or by a person designated by the chancellor, except that expenditures shall not be made from the medical loan repayment fund for medical student loans for general psychiatry or child psychiatry. On the effective date of this act, the director of accounts and reports shall transfer all moneys in the medical scholarship and loan repayment fund to the medical loan repayment fund. On the effective date of this act, all liabilities of the medical scholarship and loan repayment fund are hereby imposed on the medical loan repayment fund and the medical scholarship and loan repayment fund is hereby abolished. Whenever the medical scholarship and loan repayment fund, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the medical loan repayment fund.

(g) There is hereby established in the state treasury the psychiatry medical loan repayment fund. All moneys credited to the psychiatry medical loan repayment fund shall be expended only for medical student loans for general psychiatry or child psychiatry students under the medical student loan act and for the expenses of administration of the medical student loan act associated with such students. All expenditures from the psychiatry medical loan repayment 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 chancellor of the university of Kansas or the chancellor's designee."

On page 6, following line 11, by inserting:

"(j) Notwithstanding any other provision of law to the contrary, no moneys appropriated for the Kansas medical residency bridging program at the university of Kansas school of medicine, except moneys appropriated to the rural health bridging psychiatry fund, shall be expended for residency bridging loan agreements for medical residents training in general psychiatry or child psychiatry.

(k) Subject to appropriations, the university of Kansas school of medicine shall enter into residency bridging loan agreements with three medical residents training in general psychiatry or child psychiatry.

(l) There is hereby established in the state treasury the rural health bridging psychiatry fund. All moneys credited to the rural health bridging psychiatry fund shall be used only for purposes related to residency bridging loan agreements for medical residents training in general psychiatry or child psychiatry pursuant to K.S.A. 76-387, and amendments thereto. All expenditures from the rural health bridging psychiatry 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 chancellor of the

university of Kansas or the chancellor's designee";

Also on page 6, in line 12, after the comma by inserting "76-382,"; also in line 12, by striking the second "and" and inserting a comma; in line 13, after "384" by inserting "and 76-385";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "establishing the psychiatry medical loan repayment fund and the rural health bridging psychiatry fund;"; in line 4, after the comma by inserting "76-382,"; also in line 4, by striking the second "and" and inserting a comma; also in line 4, after "76-384" by inserting "and 76-385"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1709 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 6, 2017.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 7, 2017.

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 7, 2017, 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, You are the Almighty God of Heaven and earth. There is no person and nothing created that is on Your level. But Lord, can we just talk? Would you allow a feeble, fumbling, sometimes failing creation of Yours to approach You today? Can we talk?

There have been times when Your holiness was so real that it seemed impossible to cross the threshold into Your presence. How can a holy and totally righteous God be receptive to one so lowly?

But then You gave us that Isaiah moment. In chapter 6:1-9, he had a vision that contrasted Your holiness with his un-holiness. Considering Your majesty brought about his modesty.

He saw that he was not worthy to come talk to You. So, in Your love and mercy, You came to him. His un-holiness was forgiven. You touched his mouth and allowed him to talk to You. You even permitted him to talk for You.

In a like manner Lord, touch us with Your love and mercy. Forgive our un-holiness. Remind us that we should talk to You...that You do hear our prayers. And from time to time, when You provide the opportunity, we'll even talk for 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 164, AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; concerning the consumption of alcoholic beverages in public; amending K.S.A. 2016 Supp. 41-719 and 41-2653 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 165, AN ACT concerning opioids; providing insurance coverage for abuse-deterrent opioid analgesic drug products; relating to standards governing the use and administration of emergency opioid antagonists; education requirements; civil and criminal liability; amending K.S.A. 2016 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 166, AN ACT concerning higher education; relating to private and out-of-state educational institutions; exempting Cleveland university-Kansas City; amending K.S.A.

2016 Supp. 74-32,164 and repealing the existing section, by Committee on Education.

SB 167, AN ACT concerning property taxation; amending K.S.A. 2016 Supp. 25-432, 79-5a27, 79-1466, 79-1467, 79-1801 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 25-433a and 79-2925c, by Committee on Assessment and Taxation.

SB 168, AN ACT repealing K.S.A. 2016 Supp. 74-8723; concerning the Kansas lottery, by Committee on Federal and State Affairs.

SB 169, AN ACT concerning the Kansas lottery; dealing with lottery ticket vending machines; amending K.S.A. 2016 Supp. 74-8702 and repealing the existing section, by Committee on Federal and State Affairs.

SB 170, AN ACT concerning the Kansas department for children and families; relating to performance-based contracting, by Senator Faust-Goudeau.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 162**.

Federal and State Affairs: **SB 157, SB 158, SB 163; HB 2098, HB 2132**.

Financial Institutions and Insurance: **HB 2043**.

Judiciary: **SB 156, HB 2049**.

Public Health and Welfare: **SB 160; HB 2045, HB 2055**.

Ways and Means: **SB 159, SB 161**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1710—

A RESOLUTION congratulating and commending Ray Lipovac's fifth grade class at Stony Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program.

WHEREAS, KC Healthy Kids is a nonprofit advocacy program dedicated to improving the health of Kansas City metropolitan area children; and

WHEREAS, KC Healthy Kids is celebrating I Am Here on March 2, 2017, at the Kansas City Convention Center; and

WHEREAS, This event is KC Healthy Kids' youth photo contest, which is designed to empower students to speak out for healthy communities; and

WHEREAS, I Am Here lifts up the voices of students in grades 3-8 as they share their ideas about how to create a healthier Kansas City; and

WHEREAS, School districts throughout the Kansas City metropolitan area were invited to have classrooms submit captioned photos showing how their communities help or hinder healthy habits; and

WHEREAS, Through this contest, teachers help students think critically about how their surroundings — walking trails or broken sidewalks, safe playgrounds or blighted lots, schoolyard gardens or fast food restaurants — impact their health; and

WHEREAS, KC Healthy Kids has announced the first place award recipients for I Am Here, that include Ray Lipovac's fifth grade class at Stony Point Elementary School, located in beautiful Kansas City, Kansas; and

WHEREAS, First place award recipients received \$1,000 to promote student wellness, such as the purchase of new playground balls and pedometers, offering fruit and vegetable tastings or providing nutrition education and school wellness council projects; and

WHEREAS, The great state of Kansas affirms the importance of ensuring that all children have the knowledge and opportunities to eat healthy and be physically fit where they live, learn and play; and

WHEREAS, Actively engaged citizens and healthy communities are strengthened when young people are introduced to civic responsibility early through programs such as I Am Here: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Ray Lipovac's fifth grade class at Stony Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program; and

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

On emergency motion of Senator Pettey **SR 1710** was adopted by voice vote.

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

SENATE RESOLUTION No. 1711—

A RESOLUTION congratulating and commending Kristina Kidwell's third grade class at Whittier Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program.

WHEREAS, KC Healthy Kids is a nonprofit advocacy program dedicated to improving the health of Kansas City metropolitan area children; and

WHEREAS, KC Healthy Kids is celebrating I Am Here on March 2, 2017, at the Kansas City Convention Center; and

WHEREAS, This event is KC Healthy Kids' youth photo contest, which is designed to empower students to speak out for healthy communities; and

WHEREAS, I Am Here lifts up the voices of students in grades 3-8 as they share their ideas about how to create a healthier Kansas City; and

WHEREAS, School districts throughout the Kansas City metropolitan area were invited to have classrooms submit captioned photos showing how their communities help or hinder healthy habits; and

WHEREAS, Through this contest, teachers help students think critically about how their surroundings — walking trails or broken sidewalks, safe playgrounds or blighted lots, schoolyard gardens or fast food restaurants — impact their health; and

WHEREAS, KC Healthy Kids has announced the first place award recipients for I Am Here, that include Kristina Kidwell's third grade class at Whittier Elementary School, located in beautiful Kansas City, Kansas; and

WHEREAS, First place award recipients received \$1,000 to promote student wellness, such as the purchase of new playground balls and pedometers, offering fruit and vegetable tastings or providing nutrition education and school wellness council projects; and

WHEREAS, The great state of Kansas affirms the importance of ensuring that all children have the knowledge and opportunities to eat healthy and be physically fit

where they live, learn and play; and

WHEREAS, Actively engaged citizens and healthy communities are strengthened when young people are introduced to civic responsibility early through programs such as I Am Here: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Kristina Kidwell's third grade class at Whittier Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program; and

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

On emergency motion of Senator Pettey **SR 1711** was adopted by voice vote.

COMMUNICATIONS FROM STATE OFFICERS

February 6, 2017

Kansas Attorney General, Derek Schmidt, submitted the fiscal year 2016 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.

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 REFERENCE

The Vice President withdrew **SB 135** from the Committee on **Transportation**, and referred the bill to the Committee on **Federal and State Affairs**.

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 LaTurner in the chair.

On motion of Senator LaTurner the following report was adopted:

SB 13, SB 18, SB 20 be passed.

SB 14, SB 16, SB 21 be amended by the adoption of the committee amendments, and the bills be passed as amended.

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.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 147**, Corrected, be amended on page 11, in line 7, by striking "all"; also in line 7, after the second comma by inserting "and ending before January 1, 2017,"; in line 23, by striking "all"; also in line 23, after the second comma by inserting "and ending before January 1, 2017,"; and the bill be passed as amended.

Committee on **Education** recommends **SB 75** 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 26** be passed.

Also, **SB 35** be amended on page 1, following line 26, by inserting:

"(e) The secretary of transportation and persons designated by the board of county commissioners of Johnson and Wyandotte counties shall report to the legislature on or before February 1 in 2018, 2019 and 2020, concerning the implementation and operation of the program authorized by this section."; and the bill be passed as amended.

SB 36 be amended on page 4, in line 35, before "rules" by inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in";

On page 6, in line 5, before "rules" by inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in";

On page 8, in line 33, before "rules" by inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in";

On page 9, in line 42, by striking all before the first comma and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 13, in line 10, by striking "K.A.R. 82-4-1(z)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 14, in line 32, by striking "K.A.R. 82-4-1(z)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 16, in line 41, by striking "K.A.R. 82-4-1(f)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 17, in line 40, by striking "K.A.R. 82-4-1(f)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 27** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 27," as follows:

"Substitute for SENATE BILL No. 27

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019, 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. 2016 Supp. 74-4920 and 75-2319 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d.";

And the substitute bill be passed.

Also, **SB 115** be amended on page 3, in line 26, by striking "all" and inserting "\$100,000,000 of such";

On page 6, in line 22, by striking "\$317,100,000" and inserting "\$100,000,000"; in line 28, after the sixth comma by inserting "and"; in line 29, by striking "June 30, 2022, June 30, 2023, and June 30, 2024,"; in line 30, by striking "\$45,300,000" and inserting "\$25,000,000"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 8, 2017.

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 8, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Lynn was excused.

The President introduced guest chaplain, Reverend Elias B. Bracamonte, Associate Pastor, Emmanuel Baptist Church in Topeka, to deliver the invocation:

Heavenly Father, we thank You for this new day and the privilege of prayer. And as we turn to you in prayer, hear our plea. In this manner, therefore, pray: "Our Father in heaven, hallowed be Your name. Your kingdom come. Your will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our debts, as we forgive our debtors. And do not lead us into temptation, but deliver us from the evil one. For Yours is the kingdom and the power and the glory forever, Amen." Today, I pray Lord, to be with all the members of the Senate and their respective staff to make the right decisions for the great state of Kansas. We trust in You and wait upon You for Your divine direction throughout this day. For we pray in Jesus' name, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 171, AN ACT concerning driver's license; relating to suspended licenses, ability to obtain a license to drive a motorized bicycle; amending K.S.A. 2016 Supp. 8-235 and repealing the existing section, by Committee on Transportation.

SB 172, AN ACT concerning health and healthcare; relating to behavioral and mental health; prohibiting the use of conversion therapy, by Committee on Ways and Means.

SB 173, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for the department of health and environment – division of health care finance, by Committee on Ways and Means.

SB 174, AN ACT concerning higher education; authorizing the affiliation of Wichita area technical college with Wichita state university; amending K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-4470a and repealing the existing sections, by Committee on Ways and Means.

SB 175, AN ACT concerning state finances; relating to business entities, annual filing fees; income tax, rates, certain modifications of Kansas adjusted gross income, community services contributions credit; cigarettes and tobacco products, rates;

alcoholic beverages, liquor enforcement, rates; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2016 Supp. 17-2036, 17-7503, 17-7505, 17-76,139, 56-1a606, 56-1a607, 56a-1201, 56a-1202, 79-32,110, 79-32,117, 79-32,196, 79-32,197, 79-32,198, 79-3310, 79-3310c, 79-3311, 79-3312 and 79-4101 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,199a and 79-32,199b, by Committee on Assessment and Taxation.

SB 176, AN ACT pertaining to the purchase of goods made or manufactured in the United States; enacting the Kansas buy American act, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey and Rogers.

SB 177, AN ACT concerning employment; relating to employment requirements in certain state contracts; relating to employment requirements for certain state tax benefits; amending K.S.A. 2016 Supp. 12-17,166, 74-50,131, 74-50,212, 74-50,217, 79-32,154 and 79-32,243 and repealing the existing sections, by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey and Rogers.

SB 178, AN ACT concerning marijuana; legalizing limited use thereof for recreational and medicinal purposes; authorizing the department of revenue, the state board of pharmacy and the state board of healing arts to adopt rules and regulations related thereto; amending K.S.A. 2016 Supp. 65-1626 and 65-4123 and repealing the existing sections, by Senator Haley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 167**.

Education: **SB 166**.

Federal and State Affairs: **SB 164, SB 168, SB 169**.

Public Health and Welfare: **SB 165, SB 170**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2035, HB 2053, HB 2093, HB 2094**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2035, HB 2053, HB 2093, HB 2094 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 13, AN ACT concerning the code of civil procedure; amending K.S.A. 2016 Supp. 60-102, 60-206, 60-216, 60-226, 60-230, 60-231, 60-234, 60-237 and 60-255 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 60-268, was considered on final action.

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

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

Absent or Not Voting: Lynn.

The bill passed.

SB 14, AN ACT concerning insurance; relating to limited lines; pertaining to self-storage units, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Tyson.

Absent or Not Voting: Lynn.

The bill passed, as amended.

SB 16, AN ACT concerning insurance; relating to insurers; internationally active insurance groups; corporate governance, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pyle.

Absent or Not Voting: Lynn.

The bill passed, as amended.

SB 18, AN ACT concerning financial institutions; relating to mortgage business; pertaining to the Kansas mortgage business act; amending K.S.A. 9-2204 and K.S.A. 2016 Supp. 9-2203, 9-2206, 9-2211 and 9-2216a and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Lynn.

The bill passed.

SB 20, AN ACT concerning financial institutions; relating to the state banking code; amending K.S.A. 2016 Supp. 9-1101, 9-1102, 9-1104 and 9-1114 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Masterson, Pilcher-Cook, Pyle.

Absent or Not Voting: Lynn.

The bill passed.

SB 21, AN ACT concerning financial institutions; relating to the Kansas money transmitter act; amending K.S.A. 2016 Supp. 9-508, 9-509 and 9-513a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Masterson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Lynn.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 97** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 97," as follows:

"Substitute for SENATE BILL No. 97

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to income tax, rates, determination of Kansas adjusted gross income, modifications; sales and compensating use tax, food and food ingredients, rates; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,120, 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections.";

And the substitute bill be passed.

Also, **SB 29** be amended on page 4, in line 26, by striking "and"; in line 31, after "taxation" by inserting "; and (22) property acquired by a land bank exempt from ad valorem taxation pursuant to K.S.A. 2016 Supp. 12-5909 or K.S.A. 19-26,111, and amendments thereto"; and the bill be passed as amended.

Committee on **Education** recommends **SB 100** be amended on page 2, in line 26, after the period by inserting "A nursing student shall not be required to be a resident of Kansas to qualify for a scholarship under the nursing service scholarship program.";

On page 3, in line 15, after "the" by inserting "in-state tuition"; in line 20, after the first "the" by inserting "in-state tuition"; in line 22, after the second "the" by inserting "in-state tuition"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 56**, **SB 57** be passed.

Committee on **Federal and State Affairs** recommends **SB 70** be amended on page 1, in line 15, by striking "Such" and inserting "The complete"; in line 16, by striking all before the second "in";

On page 2, in line 8, by striking "district coroners" and inserting "the investigation of child deaths"; and the bill be passed as amended.

Also, recommends **SB 83** be passed.

Also, **SB 98** be amended on page 1, in line 13, after "provided" by inserting "on white paper"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 73** be passed.

Also, **SB 92** be amended on page 1, in line 20, by striking "homicides and" and inserting "a homicide or a"; also in line 20, by striking "offenses" and inserting "offense"; in line 22, after "interrogation" by inserting "concerning a homicide or a felony sex offense"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1710, SR 1711 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 8, 2017.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Thursday, February 9, 2017.

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 9, 2017, 8:00 a.m.

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

Gracious Father, when we weigh our needs against our supply, our needs tip the scale. As drivers, we need charge in our batteries and gasoline in our tanks. As feeble human beings, we need water for our thirst and bread for our hunger. We need clothes for our backs, dwelling places for our safety. We need money to pay our bills. Sometimes, we just need a hug...we need a companion. The doctors say some of us need Valium for our nerves. We all have a need to be needed.

When there seems to be no earthly way that a need can be met, what a blessing it is to discover that You are our Need-Meter. Someway, somehow, when those needs become unbearable, You find a way.

In John 6, the cry was, "We just don't have enough!" The need was food for over 5,000 people. In the hands of man, 2 fish and 5 loaves, were nowhere near enough. But, Lord, You can take a supply that is minute and meet a need that is great.

Great has been our need for mercy. Great is our need for Your love and forgiveness. But much greater than our need, has been Your plentiful supply of grace. It was back in 1779, You used John Newton to pen the words "Amazing Grace. How sweet the sound that saved a wretch like me!"

Thank you! Thank You! Thank You for meeting our every need. I thank You that I can come to You 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:

Assessment and Taxation: **SB 175**.

Commerce: **SB 176, SB 177**.

Ethics, Elections and Local Government: **HB 2094**.

Federal and State Affairs: **SB 178**.

Judiciary: **HB 2035, HB 2053, HB 2093**.

Public Health and Welfare: **SB 172**.

Transportation: **SB 171**.

Ways and Means: **SB 173, SB 174**.

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On motion of Senator Denning, the Senate recessed until the sound of the gavel.

On motion of Senator Denning, the Senate adjourned pro forma until 8:00 a.m., February 10, 2017.

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 10, 2017, 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 179, AN ACT concerning human trafficking and related crimes; creating the crimes of unlawful use of a communication facility, promoting travel for child exploitation, internet trading in child pornography and aggravated internet trading in child pornography; relating to training for commercial driver's license applicants; sexual exploitation of a child; buying sexual relations; commercial sexual exploitation of a child; offender registration; expungement of juvenile adjudications; victim compensation; amending K.S.A. 2016 Supp. 12-4120, 21-5426, 21-5510, 21-6421, 21-6422, 22-4902, 38-2312, 74-7305 and 75-759 and repealing the existing sections, by Committee on Judiciary.

SB 180, AN ACT concerning law enforcement; relating to hiring practices and consideration of prior employment records, by Committee on Judiciary.

SB 181, AN ACT concerning district courts; relating to persons with suspended drivers' licenses, amnesty agreements, by Committee on Transportation.

SB 182, AN ACT concerning the state corporation commission; requiring the commission to study certain issues relating to electric utilities, by Committee on Federal and State Affairs.

SB 183, AN ACT concerning electricity; relating to the state corporation commission; creating the retail electric choice act, by Committee on Federal and State Affairs.

SB 184, AN ACT establishing the Kansas intelligence fusion center act, by Committee on Ways and Means.

SB 185, AN ACT concerning economic development; relating to redevelopment districts encompassing federal enclaves; authorization of franchises for the provision of utilities, by Committee on Commerce.

SB 186, AN ACT relating to reimbursement to eligible providers for medicaid ground emergency medical transportation services, by Committee on Ways and Means.

SB 187, 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.

CHANGE OF REFERENCE

An objection having been made to **SB 75, SB 77** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2013, HB 2067, HB 2092, HB 2109.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2013, HB 2067, HB 2092, HB 2109 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 10** be amended on page 2, in line 42, by striking "present" and inserting: "

(1) Cause to be presented";

On page 3, in line 1, by striking "the" and inserting "any"; also in line 1, by striking "of a public official"; in line 3, after "representation" by inserting ", and such person causes such lien or claim to be presented for filing with the intent to harass, damage or defraud any person; or

(2) violate a court order issued pursuant to section 1, and amendments thereto"; in line 5, by striking all after "(c)"; by striking all in line 6; in line 7, by striking "(d)";

On page 1, in the title, in line 2, by striking "public officials;"; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 6 through February 10, 2017.

Senator Bowers: congratulating Marlene Dohe on being named the Rooks County Health Center Employee of the Year;

Senator Hardy: recognizing Timothy D. Unruh on thirty-eight years of journalistic excellence; and

Senator Schmidt and Senator McGinn: congratulating Jerry and Jean Hinton on their 70th Wedding Anniversary.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 13, 2017.

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 13, 2017, 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, Creator, Sustainer of heaven and earth. Through the Prophet Isaiah (41:4), we learn that You were our beginning and You will be our ending. We learn through the Apostle James (1:17), that every good and perfect gift, especially the gift of love, comes from You. Through Your word in 1 John 4:8, we learn that Your very character is love...that You are the Real Deal when it comes to the expression of LOVE.

Help us show the love to others that You're showing toward us. You love us despite our differences. Your love is real! Teach us to love like You love.

On this eve of Valentine's Day, let the hallmark... the real standard of our service and interaction with others be love without hypocrisy.

It is Your love that has us entering another week of serving. Let the incentive for serving in these halls today stem from that same kind of love...love for You...love for each other and love for the people we serve. And all of it being inspired by Your love for us.

Since Your love is not selfish but heavenly, and concerned with our highest good, let our love in this earthly realm take on heavenly characteristics. Teach us to stretch across temporal differences like race and politics.

When we are scrutinized and examined under the magnifying glass of others, and when we stand before You in our final examination, help us to be seen as the Real McCoy's of love. In the name of Him who loved us to death, 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 188, AN ACT concerning income taxation; relating to rates, determination of Kansas adjusted gross income, modifications, standard and itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,119 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, by Committee on Assessment and Taxation.

SB 189, AN ACT making and concerning appropriations for fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and

limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 55-193, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804, 82a-953a and repealing the existing section; amending K.S.A. 2016 Supp. 12-5256 and repealing the existing section, by Committee on Ways and Means.

SB 190, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the judicial branch, by Committee on Ways and Means.

SB 191, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, and June 30, 2023, 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. 2016 Supp. 74-4920, 75-2263, 75-2319 and 75-4209 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 185**.

Ethics, Elections and Local Government: **HB 2013**.

Financial Institutions and Insurance: **HB 2067**.

Judiciary: **SB 179, SB 180, SB 184; HB 2092**.

Public Health and Welfare: **SB 187**.

Transportation: **SB 181**.

Utilities: **SB 182, SB 183**.

Ways and Means: **SB 186; HB 2109**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 147** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2041, HB 2054, HB 2069, HB 2084, HB 2137**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2041, HB 2054, HB 2069, HB 2084, HB 2137 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Rogers introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1712—

A RESOLUTION congratulating and commending Olympic boxer and Wichita native, Nico Hernandez, for winning a bronze medal at the 2016 Rio Olympic Games.

WHEREAS, Nico Hernandez was born in Wichita, Kansas, on January 4, 1996; and

WHEREAS, At nine years old, Nico began his journey to boxing stardom when his father, Lewis, whom Nico credits with his success, began training Nico to be a boxer at the Northside 316 Boxing Club; and

WHEREAS, Nico's amateur career leading up to the Olympics was filled with many accomplishments, such as becoming the 2011-2012 Junior Olympic National Champion, the 2014 Youth Open Champion, the 2015 Continental Championships Bronze Medalist, the U.S. Olympic Trial Champion and the Americas Olympic Qualifier Silver Medalist; and

WHEREAS, After losing his best friend, Tony Losey, in 2014, Nico's desire to honor Tony's memory helped him reach new heights; and

WHEREAS, In Rio, Nico defeated Italy's Manuel Cappai in his first bout by a 3-0 decision. The next two matches were much the same when he defeated Russia's Vasili Egorov and Ecuador's Carlos Eduardo Quipo Palaxti to advance to the semi-finals. Nico ensured his place on the winners' podium by earning the Olympic bronze medal and the first United States men's boxing medal since the 2008 Beijing Olympic Games; and

WHEREAS, Nico is the first person from Wichita to win an Olympic medal since 1984, and the first person to win an individual medal since former Congressman Jim Ryun in 1968; and

WHEREAS, While representing his country abroad, Nico inspired many young people in Wichita by demonstrating that no matter where you are born or what your life circumstances may be, hard work and dedication will allow you to follow your dreams; and

WHEREAS, Since his return to Wichita, Nico has been a constant presence in Wichita area schools, where he continues to encourage the next generation to work hard and focus on their goals, and never stop pursuing them: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Olympic boxer and Wichita native, Nico Hernandez, for winning a bronze medal at the 2016 Rio Olympic Games; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Nico Hernandez, Lewis Hernandez, Chello Hernandez, Tony Losey, Pat Villa, Brandon Findley and Senators Faust-Goudeau and Rogers.

On emergency motion of Senator Faust-Goudeau **SR 1712** was adopted by voice vote.

Senators honored Nico, his parents Lewis and Chello Hernandez, and other guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 42**, **SB 93** be passed.

Also, **SB 112** be amended on page 2, following line 8, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 21-5807 is hereby amended to read as follows: 21-5807. (a) Burglary is, without authority, entering into or remaining within any:

(1) Dwelling, with intent to commit a felony, theft or sexually motivated crime therein;

(2) building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of

persons or property, with intent to commit a felony, theft or sexually motivated crime therein.

(b) Aggravated burglary is, without authority, entering into or remaining within any:

(1) Dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein;

(2) building, manufactured home, mobile home, tent or other structure which is not a dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein.

(c) (1) Burglary as defined in:

(A) (i) Subsection (a)(1) is a severity level 7, person felony, except as provided in subsection (c)(1)(B);

(ii) subsection (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (c)(1)(B); and

~~(ii)~~ (iii) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (c)(1)(B); and

(B) (i) subsection (a)(1), with intent to commit the theft of a firearm, is a severity level 5, person felony; and

(ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a firearm, is a severity level 5, nonperson felony.

(2) Aggravated burglary as defined in:

(A) Subsection (b)(1) is a severity level 4, person felony; and

(B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.

(d) As used in this section, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) This section shall not apply to any person entering into or remaining in a retail or commercial premises at any time that it is open to the public after having received a personal communication from the owner or manager of such premises not to enter such premises pursuant to K.S.A. 2016 Supp. 21-5808, and amendments thereto, except when such person is entering into or remaining in such premises with the intent to commit a person felony or sexually motivated crime therein.";

Also on page 2, in line 9, by striking "is" and inserting "and 21-5807 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "penalty" and inserting "burglary"; also in line 3, after "21-5709" by inserting "and 21-5807"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 120, SB 149 be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 14, 2017.

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 14, 2017, 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 of Love, Mercy and Grace, it's Valentine's Day, and that strange phenomena called love is in the air. God, You've commanded us to love, and everything we do, we want to do it in love. But we need Your help in understanding what that means! A #1 song was recorded in 1955, which portrays our dilemma...our confusion. The words, by Paul Webster, said "Love Is A Many Splendored Thing." The lyric continued with "It's the April rose that only grows in the early spring...that it's nature's way of giving a reason to be living; That it's the golden crown that makes a man a king."

Lord, we're pretty good at poetry, and talking about love being multi-faceted. And we've come to know that it is. But, like a diamond takes in pure light and reflects it in a variety of brilliant hues, shine the pure light of Your love into our hearts to such a degree that we reflect it in a variety of ways. So much so, that those around us take note and say, "that's a man or woman who consistently demonstrates love."

Help us to regularly use, as a love test, the do's and don'ts of true love, found in the "Love Chapter" of Your Holy Word...1 Corinthians 13.

During this Valentine season and beyond, help us to start telling folk and showing folk that we love them.

I come to You again, in the name of Jesus, Who loved us to death, 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 192, AN ACT concerning income taxation; relating to rates, determination of Kansas adjusted gross income, modifications, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, by Committee on Assessment and Taxation.

SB 193, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019, 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. 2016 Supp. 74-4914d, 74-4920, 75-

2319 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d, by Committee on Ways and Means.

SB 194, AN ACT concerning water; relating to groundwater management districts; user charges; amending K.S.A. 2016 Supp. 82a-1030 and repealing the existing section, by Committee on Ways and Means.

SB 195, AN ACT concerning the Kansas program of medical assistance; establishing a suspended eligibility status for recipients; relating to notification by the Kansas department of aging and disability services, the department of corrections and county sheriffs, 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 188**.

Ethics, Elections and Local Government: **HB 2137**.

Judiciary: **HB 2041, HB 2054, HB 2069, HB 2084**.

Ways and Means: **SB 189, SB 190, SB 191**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2030, HB 2048, HB 2096, HB 2192**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2030, HB 2048, HB 2096, HB 2192 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 188** be amended on page 5, in line 3, after "thereto" by inserting ", and commencing in tax year 2017, and all tax years thereafter, any amount of member contributions made on a pretax basis pursuant to K.S.A. 74-4925, and amendments thereto"; and the bill be reported without recommendation.

Committee on **Commerce** recommends **SB 55** be amended on page 1, in line 5, after "contract" by inserting "in any sum exceeding \$100,000"; also in line 5, by striking all after "owner"; in line 6, by striking all before "that"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 114** be passed.

Committee on **Transportation** recommends **SB 144** be amended on page 1, in line 30, by striking the second "or"; in line 31, after "assistance" by inserting "; or

(4) relay information between a transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle";

Also on page 1, in line 35, after "(f)" by inserting "Holding a wireless communication device while operating a motor vehicle in a school zone or a road construction zone shall constitute prima facie evidence of a violation of subsection (b).

(g) From and after the effective date of this act, and prior to January 1, 2018, a law enforcement officer shall issue a warning citation to anyone violating subsection (b).

(h)"; and the bill be passed as amended.

On motion of Senator Denning, the Senate recessed until the sound of the gavel for the purpose of bill introductions and a standing committee report.

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

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 15, 2017.

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 15, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Fitzgerald was excused.

President Wagle introduced guest chaplain, Pastor Theodis Williams, True Holiness Family Church in Topeka, to deliver the invocation:

Lord God, we thank you for the privilege and honor to call on Your holy name and acknowledge You as our Father. From the time You formed us, You filled us to function according to Your Divine purpose. We confess, Lord God, that today more than ever before, we need the leading of Your Holy Spirit in every decision that we make. Lord God, Divine guidance is a must if we are going to avoid the snare that entraps and enslaves. We know that to revere You is wisdom and to depart from evil is understanding. From a few we have become a nation of many because of Your Divine favor. Lord God, You have embraced us in spite of our flaws, You have empowered us as a people, state and nation. It is You, Father God, that has determined that the great State of Kansas and the United States of America are to be a leader, path finder and trail blazer. So today, we pray for men, women and children everywhere to be recipients of all that our constitution promises. We pray today, Lord God, that You bless our leaders with the wisdom and integrity that is mandated by Your Holy word. We pray for the new administration in Washington. We pray that the heart of the Trump administration be in Your hand and submit to Your guidance. We pray that our leaders understand that their lips speak as an oracle and must never betray justice. Bless our leaders to know that justice gives our country stability. Bless our politicians to embrace righteousness that our nation may be exalted in the eyes of God. Bless our men and women to be leaders in the home and in society. We pray, Lord God, that our diversity is not allowed to divide us. We confess this day that we have strayed from Your principles that govern our family and society. Heal us this day, oh God, that we may be the leaders that will guide this great nation and state according to your Holy Word. Bless the leaders of this senate to embrace the responsibility that comes with the office, that we may live in peaceable life, that exemplifies the character of the true and living God. In Jesus' Name we pray; thank God and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Estes rose on a Point of Personal Privilege to introduce JAG-Kansas (Jobs for Americas Graduates) students and their Career Specialists. JAG-Kansas is an in-school program that works to move students toward high school graduation and on to a successful career path.

Senators honored the students and other guests with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize Eagle Scouts Isaac Kubasko, Aaron Kubasko, Nathan Wiltsey and Sam Wood.

Senators honored the scouts with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 196, AN ACT concerning utilities, relating to electric rates, billing standards; concerning the state corporation commission, powers and duties; electric rates and billing, by Committee on Utilities.

SB 197, AN ACT concerning social work; creating the social work examining committee within the behavioral sciences regulatory board; providing the powers, duties and functions thereof; amending K.S.A. 65-6302, 65-6303, 65-6306, 65-6308, 65-6317 and 65-6319 and K.S.A. 2016 Supp. 22-4612, 59-2132, 59-2946, 65-6309, 65-6309a, 65-6311, 65-6616 and 74-7501 and repealing the existing sections, by Committee on Ways and Means.

SB 198, AN ACT concerning the department of revenue; relating to persons with access to federal tax information; fingerprinting, by Committee on Assessment and Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

SR 1715, A RESOLUTION urging unified school district boards to adopt comprehensive sex education standards and curriculum, by Committee on Federal and State Affairs.

President Wagle referred **SR 1715** to the Committee on **Education**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 194; HB 2192**.

Assessment and Taxation: **SB 192**.

Education: **SR 1715; HB 2048**.

Public Health and Welfare: **SB 195; HB 2030**.

Transportation: **HB 2096**.

Ways and Means: **SB 193**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2071, HB 2085, HB 2110**.

Announcing adoption of **HCR 5003**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2071, HB 2085, HB 2110; HCR 5003 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Hensley and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1713—

A RESOLUTION congratulating and commending Washburn University men's basketball head coach, Bob Chipman, on a successful career.

WHEREAS, Washburn University's Bob Chipman has spent 41 years as a basketball coach, including the last 38 as the head coach of the Ichabods; and

WHEREAS, On January 14, 2017, Bob Chipman became the 17th head coach in National Collegiate Athletic Association (NCAA) history and the third head coach in NCAA Division II history to win at least 800 games; and

WHEREAS, Bob Chipman will finish his career as the all-time wins leader in the Mid-America Intercollegiate Athletic Association (MIAA); and

WHEREAS, The Ichabods, led by Bob Chipman, were the 1987 National Association of Intercollegiate Athletics (NAIA) National Champions, the 2001 NCAA Runner-up, won 12 MIAA regular season titles and five MIAA Postseason Tournament championships, which is an MIAA coaching record; and

WHEREAS, Bob Chipman coached 15 NCAA and NAIA All-American selections, along with 14 first-team All-MIAA and 10 MIAA Most Valuable Players; and

WHEREAS, Bob Chipman's wife, Carol, father, Bob Chipman, Sr., and children, Kelsey and Bobby, have traveled this long journey by his side every step of the way: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Washburn University men's basketball head coach Bob Chipman on a successful career; and

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

On emergency motion of Senator V. Schmidt **SR 1713** was adopted by voice vote.

Senators honored Coach Chipman and guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 147** be amended by adoption of the amendments recommended by Senate Committee on Assessment and Taxation as reported in the Journal of the Senate on February 7, 2017, and the bill, as printed with amendments by Senate Committee, be further amended on page 3, in line 15, by striking all after "(e)"; by striking all in line 16; in line 17, by striking "(f)";

On page 11, following line 42, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(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, 2017, 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) For the tax years commencing on and after January 1, 2017, 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) 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.

(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. 2016 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.";

Also on page 11, in line 43, by striking "and" and inserting a comma; also in line 43, after "79-32,117" by inserting ", 79-32,120 and 79-32,269";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "itemized deductions;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "79-32,117" by inserting "and 79-32,120"; also in line 3, after "sections" by inserting "; also repealing K.S.A. 2016 Supp. 79-32,269"; and the bill be reported without recommendation.

Committee on **Federal and State Affairs** recommends **SB 86** be amended

On page 1, following line 16, by inserting:

"(c) The provisions of this section shall not apply to charges assessed by a public agency for providing records for individuals other than citizens of Kansas.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also, on page 1, following line 18, by inserting:

"Sec. 2. K.S.A. 45-218 is hereby amended to read as follows: 45-218. (a) All public records shall be open for inspection by any ~~person~~ citizen of the state of Kansas, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. Records requests made by persons other than citizens of Kansas must be made on behalf of a Kansas citizen and include the name, legal address and signature of a Kansas citizen who supports the request. No person shall ~~removal~~ remove original copies of public records from the office of any public agency without the written permission of the custodian of the record. The custodian may require the requestor to provide their name and legal address.

(b) Upon request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. 45-220, and amendments thereto.

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219, and amendments thereto.";

On page 5, in line 32, before "K.S.A." by inserting "K.S.A. 45-218 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "Kansas open meetings act; relating to the recording of minutes of meetings;"; also in line 2, after "amending" by inserting "K.S.A. 45-218 and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 41** be amended on page 1, in line 18, after the first "officer" by inserting a comma; in line 21, after the first "officer" by inserting a

comma; in line 29, by striking the second "in,"; by striking all in lines 30 through 35; in line 36, by striking all before the period and inserting ", while such employee is engaged in the performance of such employee's duty operating a vehicle";

On page 5, in line 10, by striking all after "employee"; by striking all in lines 11 through 15; in line 16, by striking all before the period and inserting ", while such employee is engaged in the performance of such employee's duty operating a vehicle"; and the bill be passed as amended.

Also, **SB 62** be amended on page 2, in line 30, by striking all after "finding"; in line 31, by striking "signatures" and inserting "that the petition, substantially in the form required by this subsection on its face, is not in proper form"; in line 33, by striking "such decision" and inserting "the decision to not summon a grand jury"; and the bill be passed as amended.

SB 63 be amended on page 3, in line 23, after the first "disclose" by inserting "to a designated recipient"; in line 41, after "fiduciary" by inserting "or designated recipient"; in line 43, after "fiduciary" by inserting "or designated recipient";

On page 4, in line 1, after "fiduciary's" by inserting "or designated recipient's";

On page 8, in line 11, after "fiduciary's" by inserting "or designated recipient's"; in line 15, after "(3)" by inserting "in the case of a fiduciary,";

On page 9, in line 9, by striking "14" and inserting "15"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 94** be amended on page 1, in line 20, by striking all after the third comma; in line 21, by striking "after" and inserting "during the reporting period beginning"; also in line 21, after the second comma by inserting "and ending December 31, 2020,"; also in line 21, after "5.77%" by inserting ", and on and after January 1, 2021, the privilege fee shall be 3.31%"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 16, 2017.

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 16, 2017, 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:

Dear Lord and gracious Master, there's a song that reminds us of the ups and downs that we face in this life of service. Inspired by the prophet, Isaiah 43:16, the late Thomas Dorsey wrote the lyric, we're "like a ship that's tossed and driven, battered by an angry sea." And when it comes to serving, he said, "We try the best we can. Yet some that we are serving, refuse to shake our hands."

Lord, as these servants travel through the rugged seas of service...and as opposing winds come against them, bless them with the same awe and wonder of Matthew 8:27, that to You, even the winds and the seas are subject and obey.

So Lord, since You're the Master of the storms we experience, use them to keep us prayerful...use them to keep us looking to You for wisdom and guidance. With You at the helm, Oh, Good God Almighty, we can make it.

In 1 Thessalonians 4:7, You said we should always pray...always be in an attitude of prayer, having our antennae up, ready to receive Your wisdom and guidance.

Lord, You also said in Philippians 4:6-7, that we should pray about EVERYTHING...that nothing should be considered unworthy of prayer.

So, Lord in the same way that our cells phones and various forms of technology must be tuned in to the right frequency to receive clear and unbroken messages, keep us tuned in to You. When we experience interference, or we're going through those dead spots, keep the connection from being dropped.

As we navigate through the seas of life, trying to serve others, keep us turned on and and tuned in. Please maintain our connection. 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 199, AN ACT concerning civil procedure; relating to appellate procedure; supersedeas bond requirements; amending K.S.A. 2016 Supp. 60-2103 and repealing the existing section, by Committee on Federal and State Affairs.

SB 200, AN ACT concerning the open records act; dealing with criminal investigation records; amending K.S.A. 2016 Supp. 45-217 and 45-221 and repealing

the existing sections, by Committee on Federal and State Affairs.

SB 201, AN ACT concerning the Kansas consumer protection act; relating to the definition of protected consumer; amending K.S.A. 2016 Supp. 50-676 and repealing the existing section, by Committee on Federal and State Affairs.

SB 202, AN ACT concerning tribal-state compacts; approving a compact between the Kickapoo Tribe in Kansas and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection, by Committee on Federal and State Affairs.

SB 203, AN ACT concerning rural opportunity zones; amending K.S.A. 2016 Supp. 74-50,222 and repealing the existing section, by Committee on Assessment and Taxation.

SB 204, AN ACT enacting the Kansas cybersecurity act; relating to digital information security for Kansas executive branch agencies; establishing the Kansas information security office, executive branch chief information security officer and the cybersecurity state grant fund coordinating council; establishing the cybersecurity state fund and the cybersecurity state grant fund in the state treasury; amending K.S.A. 2016 Supp. 8-145 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 198**.

Federal and State Affairs: **HCR 5003**.

Financial Institutions and Insurance: **HB 2110**.

Judiciary: **HB 2071**, **HB 2085**.

Public Health and Welfare: **SB 197**.

Utilities: **SB 196**.

COMMUNICATIONS FROM STATE OFFICERS

February 14, 2017

State LTC Ombudsman, Barbara J. Hickert, submitted the Kansas Long-Term Care Ombudsman Annual Report for FY 2016.

The Vice President announced 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 2126**, **HB 2164**; **Sub HB 2178**; **HB 2212**, **HB 2213**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2126, **HB 2164**; **Sub HB 2178**; **HB 2212**, **HB 2213** were thereupon introduced and read by title.

The Vice President referred **Sub HB 2178** to the Calendar under the heading of **General Orders**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1714—

A RESOLUTION recognizing February 2017 as Self-Care Month.

WHEREAS, Self-care is a lifelong habit of healthy lifestyle choices, good hygiene practices, prevention of infection and illness, monitoring for signs and symptoms of changes to health and knowing when to consult a healthcare practitioner or when it is appropriate to self-treat conditions; and

WHEREAS, The United States Food and Drug Administration deems over-the-counter medicines as safe and effective for self-care treatment of minor, acute and chronic health conditions and symptoms, such as the common cold, allergies and other conditions that impact many Kansans; and

WHEREAS, Over-the-counter medicines are either developed as new non-prescription medicines or switched from existing prescription medicines, and every one dollar spent on over-the-counter medicines saves the United States healthcare system six to seven dollars, totaling \$102 billion in annual savings; and

WHEREAS, Non-prescription medicines help to ease the burden on healthcare practitioners by eliminating unnecessary medical examinations that can be avoided with appropriate self-care; and

WHEREAS, Kansas benefits when its citizens practice appropriate self-care, do not unnecessarily visit healthcare practitioners and are empowered by higher self-esteem, improved health and reduced use of healthcare services; and

WHEREAS, Kansas encourages its citizens to take advantage of practicing self-care to improve personal and public health, save personal and public funds and strengthen the sustainability of the Kansas healthcare system; and

WHEREAS, Achieving self-care's potential is a shared opportunity for consumers, healthcare practitioners, policymakers and regulators: Now, therefore,

Be it resolved by the Senate of the State of Kansas:

(1) That we recognize the importance of improving awareness of self-care and the value it represents to the citizens of Kansas;

(2) that we acknowledge that over-the-counter medicines can greatly reduce public health system costs and improve consumer empowerment through the development of new non-prescription medicines and the switch of certain prescription medicines to non-prescription medicines;

(3) that we encourage consumers, healthcare practitioners, policymakers and regulators to communicate the benefits of self-care; and

(4) that we recognize February 2017 as Self-Care Month in the State of Kansas; and

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

On emergency motion of Senator V. Schmidt **SR 1714** was adopted by voice vote.

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1716—

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, 2017, Delta Sigma Theta Sorority, Inc. celebrated 104 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 14, 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 and 1,000 chapters 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 Sue Wilson, Emile McGill, Rita Holmes-Bobo and Senators Faust-Goudeau and Haley.

On emergency motion of Senator Faust-Goudeau **SR 1716** was adopted by voice vote.

Senators honored the members of Delta Sigma Theta present with a standing ovation.

Other guests introduced were Jill Hall, Vertis Johnson, Frankie Sheffield, Trudy Baker, Kameelah Alexander, Mary Breckenridge, Brooke Burrough, Marcia Carson, Joyce McCulloch, Gloria Williams, Sierra Martin, Lawanda Holt Fields, Tamara Huff-Johnson, Alicia Thompson and Keaya Cox.

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 188 be amended by the adoption of the committee amendments, and the motion to recommend **SB 188** favorably for passage failed.

Upon the showing of five hands, a roll call vote was requested to recommend favorably for passage.

The motion on **SB 188** to recommend for passage failed.

On roll call, the vote was: Yeas 10; Nays 30; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

EXPLANATION OF VOTE

Madam President: Since my time in Topeka, I have advocated for a total repeal of the tax policy of 2012. I campaigned for its repeal, and **SB 188** came close to the bill needed to accomplish my goal. Therefore, it was important for me to follow through with my support of **SB 188** by voting in favor of the bill.—RANDALL HARDY

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Hardy on **SB 188**.

A motion by Hensley to amend **SB 188** failed.

An amendment was offered by Senator Holland. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 117** be amended on page 1, in line 9, before "or" by inserting ", the everbearing blackberry (*Rubus serissimus*)"; also in line 9, by striking "wild" and inserting "Himalayan"; also in line 9, by striking "genera" and inserting "armeniacus"; in line 14, by striking "or" and inserting a comma; also in line 14, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 16, by striking "or" and inserting a comma; also in line 16 by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 19, by striking "or" and inserting a comma; also in line 19, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 25, by striking "or" and inserting a comma; also in line 25, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 30, by striking "or" and inserting a comma; also in line 30, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 78, SB 81** be passed.

Also, **SB 8** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 8," as follows:

"Substitute for SENATE BILL No. 8

By Committee on Ethics, Elections and Local Government

"AN ACT concerning elections; relating to advance voting ballots submitted by mail on election day; amending K.S.A. 25-1132, 25-1133, 25-1134 and 25-1136 and K.S.A. 2016 Supp. 25-1122 and 25-3107 and repealing the existing sections.";

And the substitute bill be passed.

SB 31 be amended on page 1, in line 13, after "(c)" by inserting "(1)"; in line 14, by striking "(1)" and inserting "(A)"; in line 17, by striking "(2)" and inserting "(B)"; in line 23, by striking "(3)" and inserting "(C)"; following line 27, by inserting:

"(2) "Abandoned property" shall not mean any real estate where the owner of such real estate is known and has expressed in writing to the governing body a desire to retain ownership and maintain such real estate and has brought the property into code compliance within 90 days of such expressed desire."; and the bill be passed as amended.

SB 132 be amended on page 1, in line 9, by striking "state"; in line 10, by striking all before "board"; also in line 10, by striking the second "the"; in line 11, by striking all before "to" and inserting "each county that is a part of the regional system"; in line 34, by striking "state"; in line 35, by striking all before "board"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 135** be passed.

Also, **SB 107** be amended on page 1, in line 12, after the period by inserting "Such schedule of fees and costs shall not exceed the amount of compensation established pursuant to K.S.A. 22-4507, and amendments thereto, for attorneys appointed by the court to perform services for an indigent person."; in line 28, before the period by inserting ", or the defense of civil rights claims pursuant to K.S.A. 75-6116, and amendments thereto"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 110** be passed.

Also, **SB 87** be amended on page 2, by striking all in lines 5 through 22;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 126** be amended on page 1, in line 29, by striking the second "or"; in line 33, after the semicolon by inserting "or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 2016 Supp. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 45** be amended on page 1, in line 6, by striking "United States" and inserting "interstate"; also in line 6, by striking "40" and inserting "70";

Also, on page 1, in the title, in line 1, by striking "United"; in line 2, by striking "States" and inserting "interstate"; also in line 2, by striking "40" and inserting "70"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1712, SR 1713 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 16, 2017.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 17, 2017.

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 17, 2017, 8:00 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're facing another weekend and some of us will be traveling. Whether near or far...whether here in Topeka or to other parts of the state, give us shields of protection. Upon arriving at our destinations, may we find that things are well.

When You created us, You built within us a need for rest. We struggle to obtain it but Lord, You want us to strive for and guard times of rest.

In Mark 6:31-32 there was a lot of coming and going...a lot of busyness in the ranks of Your leaders. It says they needed to take a break and get a little rest. They didn't even have time to eat. So they got into a boat and went off to a remote place by themselves.

Lord, the coming and going...the busyness within our ranks is just as real today as it was then. So, over this weekend, please enable each of us to find a little rest from our labors, even if it's only behind a locked door, in a warm, soothing tub of water. Thanking You in advance. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 203**.

Education: **HB 2164, HB 2212, HB 2213**.

Federal and State Affairs: **SB 201, SB 202**.

Judiciary: **SB 199, SB 200; HB 2126**.

Ways and Means: **SB 204**.

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 LaTurner in the chair.

On motion of Senator LaTurner the following report was adopted:

Sub HB 2178 be passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **Sub HB 2178** was advanced to Final Action and roll call.

Upon the showing of five hands, a Call of the Senate was requested.

Sub HB 2178, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Bowers, Denning, Estes, Fitzgerald, Holland, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

The bill passed.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. Vice President: This bill does not solve Kansas' budget problem. It is the best start we have seen in 4 years. But it does not address our borrowing from the Bank of KDOT or KPERS, nor does it address our school finance needs. I appreciate adding the 3rd bracket and closing the LLC loophole. However, the weight of the bill is still on the backs of middle class families. Many of us campaigned on a platform of "fixing Topeka." Kansans overwhelmingly asked us to work together. I was sorely disappointed in yesterday's behavior. I am willing to support this as the best we have today. But I warn us all, we will have to return to this chamber to readdress our fiscal state. — LYNN ROGERS

Senators Faust-Goudeau and Francisco request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **Sub HB 2178**.

Mr. Vice President: **Sub HB 2178** is a retroactive tax increasing tornado that leaves no Kansan untouched in its wake. It sweeps money right out of the pockets of families working multiple jobs just to make ends meet and entrepreneurs who took the risk to create their own job and help our economy grow. Gone are the campaign promises of merely eliminating the small business tax incentive and generating enough new revenue to balance the budget. Rather, **Sub HB 2178** says the money Kansans earn belongs to the government first and the people last. We vote no. — MARY PILCHER-COOK

Senators Fitzgerald, Masterson and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on **Sub HB 2178**.

Mr. Vice President: I initially voted "Pass" but change my vote to "AYE" on **Sub HB 2178**. I appreciate the work done in the House to craft a tax bill to eliminate the non-wage income "loophole", repeal the future formulaic income tax reductions, and

establish a third tier of income tax rates. I remain concerned that this bill sets the second tier for married individuals filing jointly and earning over \$30,000 at 5.25%, higher than the current rate of 4.6%. It sets the third tier for married individuals earning over \$100,000 at 5.45%, only .2% higher and a full percentage point less than it was in 2012, putting more of the burden on low and middle income Kansans. It continues to make our Kansas tax form complicated because it does not reinstate the deductions for mortgage interest and property tax allowed for on the federal tax form. The bill does not raise enough revenue to balance the current budget. None the less, I vote "AYE" to support this as a first step in this legislative session. I also pledge to continue to work on proposals to bring fairness to the Kansas tax structure and an appropriate amount of revenue to the state. — MARCI FRANCISCO

Senators Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **Sub HB 2178**.

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

Announcing passage of **Sub HB 2052, HB 2161; SB 22**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2052, HB 2161 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 47** be amended on page 1, in line 19, by striking all after "animals"; by striking all in line 20; in line 21, by striking all before the period;

On page 2, in line 8, after the period by inserting "The animal shelter or rescue network shall provide notice of off-site adoption events that will occur on a regularly scheduled basis throughout the calendar year to the commissioner before January 1 of each such year."; also in line 8, by striking "an adoption event" and inserting "any additional adoption events";

On page 5, in line 3, after the semicolon by inserting "and"; in line 7, by striking all after "premises"; by striking all in lines 8 through 20; in line 21, by striking all before the period;

On page 6, in line 30, by striking all after "animals"; by striking all in line 31; in line 32, by striking all before the period;

On page 7, in line 15, by striking the third "or"; in line 20, after "representatives" by inserting ";

(12) three failed inspections within 24 months; or

(13) refusal to allow the commissioner or the commissioner's authorized, trained representative entry onto the premises for inspection";

On page 8, in line 27, by striking all after the period; in line 28, by striking all before "Notice"; also in line 28, by striking "need not" and inserting "will"; in line 29, by striking "inspection" and inserting "an inspection made for an application for an original

license or permit"; in line 34, by striking "may" and inserting "shall"; in line 41, by striking all after the period; in line 42, by striking all before "Notice"; also in line 42, by striking "need" and inserting "will";

On page 9, in line 1, after "(c)" by inserting "(1) The commissioner or the commissioner's authorized, trained representative may review the documentation to ensure adequate veterinary medical care has been provided. All documentation provided pursuant to this subsection shall be made available to the commissioner or the commissioner's authorized, trained representative for inspection or copying upon request. Such documentation shall be maintained for three years after the effective date of the program or the administration of such veterinary medical care.

(2) United States department of agriculture licensed animal breeders and animal distributors may use their United States department of agriculture veterinary care forms to meet the requirements of this subsection if they make such forms available to the commissioner or the commissioner's authorized, trained representative for inspection or copying upon request and have maintained such records for three years after the effective date of the program or the administration of such veterinary medical care.

(d)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 10, in line 24, by striking all before the period;

On page 12, in line 8, by striking ", adequate veterinary care"; in line 37, by striking "and"; in line 38, after "(9)" by inserting "for each animal foster home subordinate to a rescue network or animal shelter an amount not to exceed \$20. Such fee may be paid by the rescue network or the animal shelter; and

(10)";

On page 13, following line 14, by inserting:

"(d) (1) There shall be a no-contact fee of \$80 for each no-contact inspection.

(2) For the purposes of this subsection, "no-contact inspection" means the commissioner or the commissioner's authorized, trained representative attempted to inspect a premises, but was unable to do so because the owner or the owner's designated representative was: (A) Not present for the inspection during the day and time designated on such owner's license or permit application; and (B) either unreachable by telephone at the time of such attempted inspection or, if contacted via telephone, was unable to make the premises available for inspection within 30 minutes of such telephone contact.

(e) (1) If a licensee or permittee fails an inspection, such licensee or permittee shall pay a fee for any subsequent re-inspections as follows:

(A) For the first re-inspection, \$100;

(B) for the second re-inspection \$150; and

(2) the commissioner shall remit all moneys received by or for the commissioner 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 in the state treasury to the credit of the compliance education fee fund.";

Also on page 13, in line 17, before "The" by inserting "Except as provided in subsection (e).";

And by redesignating subsections, paragraphs, subparagraphs and clauses

accordingly;

On page 17, in line 24, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **SB 60** be amended on page 2, by striking all in lines 7 through 19; in line 20, by striking all before "The"; in line 21, by striking "the remaining"; in line 27, by striking all before "per" and inserting "An amount equal to \$1.35"; in line 29, by striking "2.5% of such amount collected" and inserting "an amount equal to \$.04"; in line 30, by striking "13.5%" and inserting "the remainder"; in line 36, after the period by inserting "The secretary of agriculture shall reduce the inspection fee by adopting rules and regulations under this section whenever the secretary determines that the inspection fee is yielding more than is necessary for the purpose of administering the provisions of this act. The secretary may increase the inspection fee by adopting rules and regulations under this section when the secretary finds that such is necessary to produce sufficient revenues for the purpose of administering the provisions of this act, except that the inspection fee shall not be increased in excess of the maximum fee prescribed by this section.";

On page 3, by striking all in lines 41 through 43;

On page 4, by striking all in lines 1 through 10; in line 11, by striking all before the period and inserting "Such fee shall be deposited in the state treasury as follows: (1) An amount equal to \$100 for each year of registration shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto; and (2) the remainder shall be credited to the agricultural chemical fee fund to be used for carrying out the provisions of this act"; in line 15, by striking "is hereby authorized and empowered," and inserting "shall reduce the fee imposed by this subsection by adopting rules and regulations"; in line 16, by striking all after "fee"; in line 17, by striking all before the first "is"; in line 18, by striking all after the comma; by striking all in line 19; in line 20, by striking all before "but"; in line 23, by striking "is authorized and empowered" and inserting "may increase the fee"; in line 24, by striking "to restore in full or in part such fee"; in line 27, after the period by inserting "An amount equal to \$100 from each fee collected under this subsection shall be credited to the state water plan fund, regardless of the amount of such fee imposed by the secretary.";

On page 11, in line 37, by striking all after "(d)"; by striking all in lines 38 through 40; in line 41, by striking all before "received" and inserting "All fees";

On page 12, by striking all in lines 6 through 17;

On page 13, by striking all in lines 41 through 43;

By striking all on page 14;

On page 15, by striking all in lines 1 through 17; following line 17, by inserting:

"Sec. 11. K.S.A. 2-3710 is hereby amended to read as follows: 2-3710. The board shall have the following powers, duties and functions:

(a) Administer the fund and the remediation reimbursement program.

(b) Subject to K.S.A. 2-3701 through 2-3714, and amendments thereto, adopt rules and regulations concerning the terms and conditions of any reimbursements from the fund.

(c) Adopt rules and regulations establishing, for purposes of the remediation linked deposit loan program and the remediation reimbursement program, criteria for classification and prioritization of properties where contamination was caused by a release of agricultural or specialty chemicals, or both. Classification and prioritization

may account for the criteria contained in Kansas department of health and environment's voluntary clean up and property redevelopment program and state cooperator program.

(d) Establish operating standards and procedures which shall include, but not be limited to, the following:

(1) With respect to the remediation linked deposit loan program, provisions governing board approval of projects for which applications for loans may be made;

(2) with respect to the remediation reimbursement program, provisions governing application procedures, determination of eligible corrective action costs, determination of ineligible corrective costs and reimbursement or payment of eligible corrective action costs; and

(3) with respect to both programs, provisions governing conflicts of interest, appeals procedures, review and priority determinations and enforcement of the provisions of K.S.A. 2-3701 through 2-3714, and amendments thereto.

(e) Appoint or contract for qualified administrative services subject to the limitation that expenditures from the fund for the administrative expenses of the board and the programs established by K.S.A. 2-3701 through 2-3714, and amendments thereto, shall not exceed ~~\$150,000~~ \$180,000 in any fiscal year.

(f) Annually provide an independent audit of the fund.

(g) On or before February 1 of each year, submit to the governor, the senate standing committee on energy and natural resources and the house standing committee on environment an annual report of the activities and reimbursements for which money from the fund has been expended during the previous fiscal year, including a copy of the independent audit.";

Also on page 15, in line 34, after the period by inserting "For inspections conducted by the chief engineer or the chief engineer's authorized representative,";

On page 23, in line 6, before "K.S.A." by inserting "K.S.A. 2-3710 and"; in line 7, by striking "2-2464a,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 2-3710 and"; in line 3, by striking "2-2464a,"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1714, SR 1716 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 17, 2017.

TRIBUTES

The Committee on Organization, Calendar and Rules authorizes the following tributes for the week of February 13 through February 17, 2017.

Senator Bowers: recognizing Jerol Robinson on his twenty-five years of service to the Phillipsburg Rural Fire Department;

Senator Hardy: congratulating Fiona Tokach on being named a Top Youth Volunteer in Kansas, congratulating Kaleigh Salzman on being named a Top Youth Volunteer in Kansas;

Senator Kerschen: congratulating Dr. Perry Smith on his induction into the Barton Community College Sports Hall of Fame;

Senator Olson: congratulating Ann Hrды on being named a Top Youth Volunteer in

Kansas, congratulating Hayley Nitz on being named a Top Youth Volunteer in Kansas;

Senator Rogers: commending the leadership of Riverside Leadership Magnet Elementary School's Fifth Grade Class;

Senator Skubal: congratulating Emma Cosner on receiving the Girl Scout Gold Award, congratulating Anna Cosner on receiving the Girl Scout Gold Award; and

Senators Rogers and Faust-Goudeau: recognizing the life and extraordinary contributions of OmPal Singh Chauhan.

On motion of Vice President Longbine, the Senate adjourned until 2:30 p.m., Monday, February 20, 2017.

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 20, 2017, 2:30 p.m.

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

To Our Holy God of heaven and earth, we thank You for the reminder, in Lamentations 3:22-23, that Your mercies are new every day; that Your grace and faithfulness toward us continues to prevail.

On this 3rd Monday in February, we remember the first President that You gave to this country: George Washington, born February 22, 1732. Through the years, You promoted him and history says he was a great man of faith, and great for this country.

Lord, You led him to set an example of faith that all of us should follow. When he left home for a life of service, he remembered and recorded the words of faith his mother, Mary Washington, had taught him, when she said “remember that God is our only sure trust. To Him, I commend you...my son, neglect not the duty of secret prayer.”

Let the words of President Washington's mother ring in our ears as well. Help us to not neglect the duty of secret prayer.

We pray today for President Trump and all that surround him in the new administration. Help them to not forget the duty of prayer. Give them protection and direction, that this nation may be drawn more and more into Your will and Your way.

Lord, I'm thanking You again for Your grace and mercy. 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 205, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; participating service credit; amending K.S.A. 74-4913 and 74-4956 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:

Ways and Means: **Sub HB 2052; HB 2161**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2031, HB 2111, HB 2121, HB 2130, HB 2191, HB 2234**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2031, HB 2111, HB 2121, HB 2130, HB 2191, HB 2234 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 166** 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 137** be amended on page 1, in line 19, after "to" by inserting "50% of the member's final average salary; or, for deaths occurring on or after July 1, 2016,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 124** be passed.

Also, **SB 40** be amended on page 1, in line 10, after "(b)" by inserting "(1)"; in line 13, by striking "is" and inserting "may be"; in line 14, by striking all after "condition"; by striking all in lines 15 through 24; in line 25, by striking "violation"; in line 25, after the period, by inserting:

"(2) When the magistrate sets a bond, such magistrate may authorize a pretrial services supervision officer to arrest a defendant without a warrant pursuant to this paragraph, and such magistrate may authorize a pretrial services supervision officer to deputize any other officer with power of arrest to arrest a defendant without a warrant pursuant to this paragraph. If authorized, a pretrial services supervision officer may arrest a defendant without a warrant if the defendant has, in the judgment of the pretrial services supervision officer, violated the conditions of the defendant's bond. If authorized, a pretrial services supervision officer may deputize any other officer with power of arrest to arrest a defendant without a warrant if the pretrial services supervision officer gives such other officer a written or verbal statement setting forth that the defendant has, in the judgment of the pretrial services supervision officer, violated the conditions of the defendant's bond. If a magistrate has authorized an arrest without a warrant pursuant to this paragraph, 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 pretrial services supervision officer shall present to the detaining authorities a similar statement of the circumstances of the violation. The defendant shall be detained for an arrest pursuant to this section only until a magistrate is available to consider whether the defendant's bond will be revoked.

(3) ";

Also on page 1, in the title, in line 1, after the second semicolon by inserting "arrest;"; and the bill be passed as amended.

SB 50 be amended on page 1, in line 8, after the period by inserting "(a) (1)"; in line 10, after the period by inserting:

"(2) ";

Also on page 1, in line 15, by striking all after the period; by striking all in lines 16 through 22; in line 23, by striking all before "The" and inserting:

"(3) One member shall be the chairperson of the standing house committee on judiciary, if such chairperson is a member of the Kansas bar, or such chairperson may appoint another member of the standing house committee on judiciary who is a member of the Kansas bar to serve as a member in lieu of such chairperson for such chairperson's then-current term as a legislator.

(4) One member shall be the chairperson of the standing senate committee on judiciary, if such chairperson is a member of the Kansas bar, or such chairperson may appoint another member of the standing senate committee on judiciary who is a member of the Kansas bar to serve as a member in lieu of such chairperson for such chairperson's then-current term as a legislator. If such chairperson is not a member of the Kansas bar and there is not another member of the standing senate committee on judiciary who is a member of the Kansas bar, such chairperson may appoint, with the advice of the president of the senate, a former member of the legislature who is a member of the Kansas bar to serve as a member in lieu of such chairperson for such chairperson's then-current term as a legislator.

(b) ";

Also on page 1, in line 32, after the period by inserting:

"(c) (1) ";

Also on page 1, in line 35, after the period by inserting:

"(2) ";

On page 2, in line 11, after the period by inserting:

"(3) " and the bill be passed as amended.

SB 101 be amended on page 3, in line 8, after "(a)" by inserting " "Sexual assault" means any sexual contact or attempted sexual contact with another person without consent, or when such person is incapable of giving consent.

(b) " by striking all in lines 28 through 30;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 4, in line 37, after "any" by inserting "one or more"; and the bill be passed as amended.

SB 136 be amended on page 1, in line 9, after "(2)" by inserting "(A)"; in line 16, after "expunged" by inserting "and purged from all applicable state and federal systems pursuant to subsection (d)"; also in line 16, after the period by inserting:

"(B) ";

Also on page 1, in line 23, after the period by inserting "'Mistaken identity" shall not include any situation in which an arrestee intentionally provides false information to law enforcement officials in an attempt to conceal such person's identity.";

On page 3, in line 2, after "(d)" by inserting "(1)"; in line 3, after the second comma by inserting "on a petition for expungement pursuant to subsection (a)(1),"; in line 5, by striking "(a)(2) or"; in line 13, by striking "or"; by striking all in line 14; in line 15, by striking "(2)"; following line 15, by inserting:

"(2) When the court has ordered expungement of arrest records on a petition for expungement pursuant to subsection (a)(2), the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (a)(2). The order shall also direct the Kansas bureau of investigation to purge

the arrest information from the criminal justice information system central repository and all applicable state and federal databases. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the arrest. If an order of expungement is entered, the person eligible for mandatory expungement pursuant to subsection (a)(2) shall be treated as not having been arrested."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 160** be passed.

Also, **SB 153** be amended on page 1, in line 5, by striking the colon; in line 6, by striking "(1)" and inserting a comma; by striking all in lines 9 and 10; and the bill be passed as amended.

SB 154 be amended on page 3, in line 7, after "services" by inserting ", supportive care services"; in line 28, after "only" by inserting "supportive care services or";

On page 4, in line 11, by striking the second "and"; in line 19, before the period by inserting ";

(k) "supportive care services" means services that do not require supervision by a healthcare professional, such as a physician assistant or registered nurse, to provide assistance with activities of daily living that the consumer could perform if such consumer were physically capable, including, but not limited to, bathing, dressing, eating, medication reminders, transferring, walking, mobility, toileting and continence care, provided in the consumer's temporary or permanent place of residence so that the consumer can remain safely and comfortably in the consumer's temporary or permanent place of residence. "Supportive care services" does not include any home health services; and

(l) "supportive care worker" means an employee of a home health agency who provides supportive care services";

Also on page 4, in line 23, after "services" by inserting ", supportive care services or attendant care services"; in line 25, by striking "home health";

On page 6, in line 37, after "entity" by inserting ", except as provided in subsection (f)";

On page 7, in line 15, by striking "or"; in line 18, after "patients" by inserting "; or

(f) individuals who personally provide one or more home health or attendant care services if such individuals are employed in accordance with K.S.A. 39-7,100(b)(2) and 65-1124(l), and amendments thereto"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 88**, **SB 89**, **SB 171** be passed.

Also, **SB 74** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 74," as follows:

"Substitute for SENATE BILL No. 74

By Committee on Transportation

"AN ACT concerning persons needing assistance with cognition; relating to motor vehicles, placards, identification cards; state-issued identification cards and driver's licenses; amending K.S.A. 2016 Supp. 8-243 and 8-1324 and repealing the existing sections.";

And the substitute bill be passed.

SB 127 be amended on page 1, in line 4, by striking "January" and inserting "July"; in line 5, after "register" by inserting "each vehicle that is escorting an oversize or

overweight load in Kansas"; in line 6, by striking "transportation" and inserting "revenue"; in line 8, by striking "with each" and inserting "per vehicle for the"; in line 27, by striking "state highway" and inserting "commercial motor vehicle"; and the bill be passed as amended.

SB 181 be amended on page 1, in line 8, by striking all before "pursuant" and inserting "county or district attorney"; in line 9, by striking all after "agreement"; by striking all in line 10; in line 11, by striking all before "the"; also in line 11, by striking "court shall" and inserting "chief judge of each judicial district may"; in line 15, after "plans" by inserting ", to be administered by the county or district attorney,"; by striking all in lines 33 through 36;

On page 2, by striking all in lines 1 through 8; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2109** 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 10:00 a.m., Tuesday, February 21, 2017.

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 21, 2017, 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 called these servants to serve; not to be self-serving, but to the humble task of serving Your people.

As we take on the responsibilities...the daunting responsibilities associated with this charge, keep us mindful of the promise You made, in Hebrews 13:5, to never leave us nor forsake us. For in not leaving us, we can count on your constant presence and in not forsaking us, we can count on Your ever-present support.

Again, I'm reminded of the advice coming from George Washington's mother, as he set out to serve Your people. She said, "remember that God is our only sure trust."

The early pilgrims were inspired to adopt the motto, "In God We Trust." But truly learning to trust You, is the most daunting task we face. It's so tempting to put our trust in the weak arm of the flesh and to reason, to our own disappointment...to our own setback, that "I've got this!"

In Proverbs 3:5-7, You used the Psalmist, in telling us to trust in You, and not lean on our own fragile, deficient sense of understanding.

Like You did with those in the early development of this country, inspire us, stir us, motivate us to adopt that foundational, under-girding motto, "In God We Trust." Not just to engrave it on our money, but to have it engraved in our hearts. For You and You alone, can totally be trusted. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 206, AN ACT concerning school districts; creating the student privacy and protection act, by Committee on Federal and State Affairs.

SB 207, AN ACT concerning gaming; relating to the Kansas expanded lottery act; making and concerning appropriations for the fiscal year ending June 30, 2018, for the Kansas lottery; relating to the state debtor setoff program; relating to horse and greyhound racing; amending K.S.A. 74-8836 and K.S.A. 2016 Supp. 74-8734, 74-8741, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 208, AN ACT concerning counties; relating to the expansion of the board of county commissioners; amending K.S.A. 2016 Supp. 19-203 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:

Agriculture and Natural Resources: **HB 2191**.

Financial Institutions and Insurance: **SB 205**; **HB 2111**.

Judiciary: **HB 2234**.

Public Health and Welfare: **HB 2031**, **HB 2121**.

Ways and Means: **HB 2130**.

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.

The morning session recommended:

SB 51, **SB 56**, **SB 65**, **SB 66**, **SB 67**, **SB 110** be passed.

SB 25 be amended by motion of Senator Billinger: on page 1, in line 8, after "for" by inserting: "

(1) ";

Also on page 1, in line 9, before the period by inserting "; and

(2) camping permits at state parks";

Also on page 1, in line 11, by striking "such"; also in line 11, after "cabins" by inserting "and camp sites"; in line 12, after "cabins" by inserting "and camp sites"; in line 18, after "tourism" by inserting "and camping permits at state parks" and **SB 25** be passed as amended..

SB 36, **SB 52**, **SB 60**, **SB 87**, **SB 92**, **SB 126**, be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **SB 92** failed.

SB 144 be amended by the adoption of the committee amendments.

A motion by Senator Pettey to amend **SB 144** was withdrawn.

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.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2079**, **HB 2102**, **HB 2125**, **HB 2158**, **HB 2170**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2079, **HB 2102**, **HB 2125**, **HB 2158**, **HB 2170** were thereupon introduced and read by title.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Taylor moved the Senate reconsider its action on **SB 126**. The motion carried and the bill was returned to Committee of the Whole.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for further consideration of bills on the calendar under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson, the morning report and the following afternoon report were adopted.

SB 26, SB 75 be passed.

SB 126 be further amended by motion of Senator Taylor; on page 1, in line 14, after "convicted" by inserting "of a felony" and **SB 126** be passed as further amended.

The committee report on **SB 74** recommending a **Sub SB 74** be adopted and be further amended by motion of Senator Billinger; on page 1, in line 17, after the period by inserting "A person meeting the requirements of this section may also request the director to issue a decal to be affixed to the license plate of a motor vehicle in addition to the placard and that such information be included as part of the vehicle registration." and **Sub SB 74** be passed as amended.

A motion by Senator Hawk to amend **SB 74** failed.

SB 32 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 5, in line 8, after "center" by inserting "or at Larned state hospital, Osawatomie state hospital or any facility that provides mental health services and that is operated by a state agency"

SB 32 be further amended by motion of Senator Wilborn; on page 8, following line 19, by inserting:

"(h) Notwithstanding any other provision of law to the contrary, no moneys shall be transferred from the comprehensive grant program account of the state board of regents to the medical loan repayment fund or the psychiatry medical loan repayment fund or expended for any purposes related thereto.";

On page 11, following line 7, by inserting:

"(m) Notwithstanding any other provision of law to the contrary, no moneys shall be transferred from the comprehensive grant program account of the state board of regents to the rural health bridging psychiatry fund or expended for any purposes related to the Kansas medical residency bridging program."

SB 32 be further amended by motion of Senator Tyson; on page 11, following line 7, by inserting:

"Sec. 7. K.S.A. 2016 Supp. 75-3373 is hereby amended to read as follows: 75-3373. (a) Notwithstanding any other provision of law, ~~the Kansas department for aging and disability services, solely or in consultation or cooperation with any other state agency, no state agency shall not~~ enter into any agreement or take any action to outsource or privatize any operations or facilities of the Larned state hospital ~~or the Osawatomie state hospital or any facility that provides mental health services and that is operated by a state agency~~ without prior specific authorization by an act of the legislature or an appropriation act of the legislature. The restriction imposed by this subsection applies to any action to outsource or privatize all or any part of any operation

or facility of the Larned state hospital, the Osawatomi state hospital or any facility that provides mental health services and that is operated by a state agency, including, but not limited to, any action to transfer all or any part of the rated bed capacity at the Larned state hospital or the Osawatomi state hospital, in effect on the effective date of this act, to another facility.

(b) Nothing in this section shall prevent the Kansas department for aging and disability services from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to March 4, 2016, for services at the Larned state hospital or the Osawatomi state hospital.

(c) Nothing in this section shall prevent the Kansas department for aging and disability services from entering into an agreement for services at the Larned state hospital or the Osawatomi state hospital with a different provider if such agreement is substantially similar to an agreement for services in existence prior to March 4, 2016.

Sec. 8. K.S.A. 76-12a07 is hereby amended to read as follows: 76-12a07. The secretary may adopt rules and regulations for the government, regulation and operation of institutions. The secretary may adopt rules and regulations relating to the assignment of all persons admitted to institutions, except that the secretary shall take no action to transfer or assign any person admitted to an institution for the purpose of circumventing the restrictions imposed by K.S.A. 2016 Supp. 75-3373, and amendments thereto.;

Also on page 11, in line 8, after "76-387" by inserting "and 76-12a07"; also in line 8, after "Supp." by inserting "75-3373,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "concerning mental healthcare facilities;"; also in line 5, after "76-387" by inserting "and 76-12a07"; in line 6, after "Supp." by inserting "75-3373," and **SB 32** be passed as further amended.

SB 50 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 2, in line 4, after the first "a" by inserting "current or" and **SB 50** be passed as further amended.

A motion by Senator Pettey to further amend **SB 144** failed and the following amendment was rejected: on page 1, by striking all in line 7 through 36;

On page 2, by striking all in lines 1 through 9; following line 9, by inserting:

"Section 1. K.S.A. 2016 Supp. 8-15,111 is hereby amended to read as follows: 8-15,111. (a) As used in this section:

(1) "Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

(2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.

(b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while: (1) Holding a wireless communication device; or (2) using a wireless communications device to write, send or read a written

communication.

(c) The provisions of subsection (b) shall not apply to:

(1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;

(2) a motor vehicle stopped off the regular traveled portion of the roadway;

(3) ~~a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;~~

(4) ~~a person who receives an emergency, traffic or weather alert message; or~~

~~(5)~~(4) a person receiving a message related to the operation or navigation of the motor vehicle; or

(5) a person with a valid amateur radio operator license issued by the federal communications commission.

(d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:

(1) Report current or ongoing illegal activity to law enforcement;

(2) prevent imminent injury to a person or property; ~~or~~

(3) relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle;

(4) summon medical or other emergency assistance; or

(5) operate two-way radio communications equipment to report information to the national weather service or any other emergency service provider.

(e) From and after the effective date of this act and prior to January 1, ~~2014~~ 2018, a law enforcement officer shall issue a warning citation to anyone violating subsection (b) (1).

(f) This section shall be part of and supplemental to the uniform act regulating traffic on highways.";

On page 7, in line 22, by striking "text messaging" and inserting "use of a wireless communication device"; by striking all in lines 23 through 26;

On page 11, in line 32, after "Supp." by inserting "8-15,111 and"; also in line 32, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking "in"; in line 2, by striking all before the semicolon; in line 3, after "device" by inserting ", penalties, exceptions"; also in line 3, after "Supp." by inserting "8-15,111 and"; in line 4, by striking "section" and inserting "sections"

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 14; Nays 25; Present and Passing 0; Absent or Not Voting 1.

Yeas: Berger, Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Suellentrop, Tyson, Wagle, Wilborn.

Absent or Not Voting: Hardy.

And **SB 144** be passed as amended.

SB 45, SB 100 be passed over and retain a place on the calendar.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 46** be amended on page 2, in line 6, after "and" by inserting "one or more of the"; also in line 6, by striking all after "provisions"; by striking all in lines 7 through 10; in line 11, by striking "engineer" and inserting "provided in subsection (b)";

On page 4, in line 20, after the period by inserting "Notification shall include a reference to an electronic publication of the management plan and any relevant technical analysis.";

On page 5, in line 3, after "(m)" by inserting "Notwithstanding K.S.A. 82a-1039, and amendments thereto, nothing in this section shall be construed as limiting or affecting any duty or power of a groundwater management district granted to such district by the Kansas groundwater management district act.

(n) ";

Also in line 3, by striking "may" and inserting "shall";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Also, **SB 48** be amended on page 2, in line 2, by striking the first "or" and inserting a comma; also in line 2, after "curtails" by inserting "or prevents"; in line 13, by striking "investigate" and inserting "initiate an investigation of"; also in line 13, by striking the comma; also in line 13, after "and" by inserting "provide notice of such investigation to the complainant and the allegedly impairing party or parties."; in line 14, after "investigation" by inserting ", the chief engineer"; in line 20, by striking "or" and inserting a comma; also in line 20, after "curtails" by inserting "or prevents"; in line 32, by striking "or" and inserting a comma; also in line 32, after "curtails" by inserting "or prevents"; in line 35, by striking the second "or" and inserting a comma; also in line 35, after "curtailing" by inserting "or preventing"; and the bill be passed as amended.

SB 61 be amended on page 1, in line 12, by striking "2028" and inserting "2023"; in line 17, by striking "2028" and inserting "2023"; in line 24, by striking "2028" and inserting "2023"; in line 31, by striking "2028" and inserting "2023";

On page 2, in line 1, by striking "2028" and inserting "2023"; in line 21, by striking "may, by order," and inserting "shall"; in line 22, after "(f)" by inserting "by adopting rules and regulations"; in line 24, by striking all after the period; by striking all in lines 25 through 26 and inserting "The secretary may"; in line 27, by striking the comma and inserting "by adopting rules and regulations"; in line 30, after "the" by inserting "maximum"; in line 35, by striking "2028" and inserting "2023"; in line 43, by striking "2028" and inserting "2023";

On page 3, in line 5, by striking "2028" and inserting "2023"; in line 9, after the period by inserting "On and after January 1, 2018,"; in line 10, after "produced" by inserting "and less than 6,000,000 pounds of milk is processed annually"; in line 12, by striking "2028" and inserting "2023"; in line 22, by striking "2028" and inserting "2023"; in line 28, after the period by inserting "On and after January 1, 2018,"; in line 30, after "produced" by inserting "and less than 6,000,000 pounds of milk is processed annually"; in line 32, by striking "2028" and inserting "2023"; in line 41, by striking "2028" and inserting "2023";

On page 4, in line 27, by striking "may, by order," and inserting "shall"; in line 28, after "(h)" by inserting "by adopting rules and regulations"; in line 30, by striking all after the period; by striking all in line 31; in line 32, by striking all before "increase"

and inserting "The secretary may"; in line 33, after "(h)" by inserting "by adopting rules and regulations"; in line 36, after "the" by inserting "maximum"; by striking all in lines 37 through 43;

On page 5, by striking all in lines 1 through 9; in line 10, by striking "K.S.A. 74-576 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all after "amending"; and the bill be passed as amended.

Committee on **Public Health and Welfare** 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 Public Health and Welfare

"AN ACT concerning the Kansas program of medical assistance; process and contract requirements; claims appeals.";

And the substitute bill be passed.

Also, **SB 95** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 95," as follows:

"Substitute for SENATE BILL No. 95

By Committee on Public Health and Welfare

"AN ACT concerning public assistance; relating to eligibility; requirements; telephonic signatures for applications; amending K.S.A. 2016 Supp. 39-709 and repealing the existing section.";

And the substitute bill be passed.

SB 68 be amended on page 3, in line 4, by striking "or"; in line 8, after "contract" by inserting "; or

(4) provide grounds for any adverse licensure action or other disciplinary action against any hospital by the department of health and environment, against any licensee of the state board of healing arts or against any licensee of the board of nursing"; in line 9, after "after" by inserting "July 1, 2018, and"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, February 22, 2017.

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 22, 2017, 10:00 a.m.

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

Lord, with heads bowed down in humility, we stand before You. You have blessed us in this country, to be able to pray in public. What a blessing it is to be able to post, broadcast and publicly engage in open prayer.

But, I'm again reminded of the counsel George Washington's mother gave him, as he set out to pursue public service. She said don't neglect the duty of secret prayer.

Her advice to her son was right in line with Your advice to us. In addition to the privilege of public prayer, you said, in Matthew 6:6, "when you pray, go into your most private room, and, closing the door, pray to your Father, who is in secret; and your Father, who sees in secret, will reward you in the open."

Lord, help our prayers to not just be a display for the public, but during this moment, and for many moments to come, guide each of us into a secret place of connecting with You.

Then let the rewards of this time with You, be openly displayed in us, in our loved ones, in these halls of government and in all our affairs.

In the name of the Christ, 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 209, AN ACT concerning utilities; relating to electric rates, billing standards; concerning the state corporation commission, powers and duties; electric rates and billing, by Committee on Federal and State Affairs.

CONSIDERATION OF APPOINTMENTS

In accordance 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 Committee on **Assessment and Taxation** and Committee on **Commerce**.

By the Governor

On the appointment to the:

Department of Revenue:

Samuel Williams, serves at the pleasure of the Governor

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hensley, Kelly, Rogers.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employee Relations Board:

Joshua Hofer, term ends March 15, 2019

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

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

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 25, AN ACT concerning wildlife, parks and tourism; relating to cabins; fees; amending K.S.A. 2016 Supp. 32-999 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Taylor.

Nays: Baumgardner, Bollier, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Sykes, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 26, AN ACT concerning wildlife, parks and tourism; relating to vessels; registration fees; amending K.S.A. 2016 Supp. 32-1172 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed.

SB 32, AN ACT concerning medical student resident loan assistance; relating to medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; establishing the psychiatry medical loan repayment fund and the rural health bridging psychiatry fund; concerning mental healthcare facilities; amending K.S.A. 76-387 and 76-12a07 and K.S.A. 2016 Supp. 75-3373, 76-381, 76-382, 76-383 and, 76-384 and 76-385 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, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Olson, Pilcher-Cook, Pyle, Suellentrop.

The bill passed, as amended.

SB 36, AN ACT concerning the state corporation commission; relating to motor carriers, definitions, registration; amending K.S.A. 66-125 and K.S.A. 2016 Supp. 8-135, 8-2703, 16-121, 66-1,108, 66-1,108b, 66-1,109 and 66-1,139 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 50, AN ACT concerning the legislature; relating to membership of the advisory committee on uniform state laws and the joint committee on special claims against the state; amending K.S.A. 46-407a and K.S.A. 2016 Supp. 46-912 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 51, AN ACT concerning the state board of pharmacy; relating to emergency scheduling of controlled substance analogs and new drugs; amending K.S.A. 2016 Supp. 21-5701, 65-4101 and 65-4102 and repealing the existing sections, was considered on final action.

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

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

Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 52, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and V; amending K.S.A. 2016 Supp. 65-4105, 65-4107 and 65-4113 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 56, AN ACT concerning elections; relating to reports of contributions preceding an election; filing location requirements; amending K.S.A. 2016 Supp. 25-4148b and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 60, AN ACT concerning agriculture; relating to the Kansas department of agriculture; certain fees; amending K.S.A. 2-3710 and K.S.A. 2016 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-2469, 2-3304, 2-3306, 82a-303b, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 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, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

SB 65, AN ACT concerning alcoholic beverages; pertaining to alcoholic liquors pledged as collateral; relating to sale by creditors thereof; amending K.S.A. 41-1125 and repealing the existing section, was considered on final action.

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

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

Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 66, AN ACT concerning state boards, commissions and authorities; relating to the state banking board; terms of service; amending K.S.A. 74-3004 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 67, AN ACT concerning financial institutions; relating to banks and banking; pertaining to general powers of state-chartered banks; amending K.S.A. 2016 Supp. 9-1101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle.

The bill passed.

Sub SB 74, AN ACT concerning persons needing assistance with cognition; relating to motor vehicles, placards, identification cards; state-issued identification cards and driver's licenses; amending K.S.A. 2016 Supp. 8-243 and 8-1324 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, Olson, Petersen, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Haley, Hawk, Lynn, McGinn, Pettey, Pilcher-Cook, Pyle, Sykes, Tyson.

Present and Passing: Francisco.

The substitute bill passed as amended.

EXPLANATION OF VOTE

Mr. Vice President: Senate Substitute for **SB 74** is a well-intended bill that, I fear, will not solve the problem it is attempting to solve. The bill is so broad that it is untenable for medical and mental health professionals to make a proper diagnosis and for police officers to determine the proper course of action. In addition, it calls into question whether people who “need assistance with cognition” should even qualify for a

driver's license. Had the bill been limited to those persons on the autism spectrum, and had the bill stipulated additional training for those people as well as for the police officers who might deal with them, I could have been a proponent of the bill. As it stands now, the bill is ineffective and could cause more problems than it solves. It is with deep concern and sympathy for the family of Joey Weber and other families affected by autism that I vote NO on **Sub SB 74**.—TOM HAWK

Senators Baumgardner, Bollier, Francisco, Haley, Lynn and Senator Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **Sub SB 74**.

SB 75, AN ACT concerning community college boards of trustees; providing an additional member to the Cowley county community college board of trustees; amending K.S.A. 71-1403 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 87, AN ACT concerning financial institutions; relating to credit services organizations; pertaining to the Kansas credit services organization act; amending K.S.A. 50-1118, 50-1119, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128 and 50-1129 and K.S.A. 2016 Supp. 50-1117 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

SB 92, AN ACT concerning crimes, punishment and criminal procedure; relating to evidence; videotaping of certain felony, custodial interrogations, was considered on final action.

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

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

The bill passed, as amended.

SB 110, AN ACT concerning the state board of regents; relating to supplemental health insurance coverage; authorizing the purchase thereof for certain state employees; amending K.S.A. 2016 Supp. 75-4101 and repealing the existing section, was considered on final action.

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

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

Nays: Tyson.

The bill passed.

SB 126, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or volunteering therein; background checks; amending K.S.A. 2016 Supp. 65-516 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 144, AN ACT regulating traffic; concerning the operation of a motor vehicle in a school zone and a road construction zone; use of a wireless communication device; amending K.S.A. 2016 Supp. 8-2118 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 21; Nays 17; Present and Passing 2; Absent or Not Voting 0.

Yeas: Berger, Bollier, Bowers, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hardy, Hensley, Holland, Kelly, Kerschen, Longbine, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Denning, Doll, Estes, Haley, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Hawk, McGinn.

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.

The morning session recommended:

SB 88, SB 89, SB 93, SB 124 be passed.

SB 46, SB 48, SB 61, SB 62, SB 63, SB 100, SB 101, SB 154, SB 181 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Pilcher-Cook to further amend **SB 100** failed and the following amendment was rejected; on page 2, in line 26, after the period by inserting "To qualify for a scholarship under the nursing service scholarship program, a nursing student shall be a citizen of the United States or have lawful immigration status."

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Kerschen, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Holland.

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

Announcing the House herewith transmits the veto message from the Governor, together with the enrolled copy of **Substitute HB 2178**, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269., which was received and read on February 22, 2017.

Message from the Governor

My veto of Substitute for **House Bill 2178** is based in my belief that, as the elected public servants of Kansas, we must not choose to resolve budget challenges on the backs of middle income Kansans with retroactive personal income tax increases.

We should be clear about what this bill will do. The proposed tax increase will raise income tax liability for married Kansans filing jointly earning at least \$30,000 per year from 4.6% to 5.25%, and from 4.6% to 5.45% for those married filers earning more than \$100,000 per year. At the same time, income tax rates for small businesses will increase from 0% up to 5.45%, depending on income. More to the point, any single full-time worker earning more than \$9.74 per hour will see an income tax increase.

Working families and small businesses are the backbone of our economy, and we should not punish them.

Moreover, applying a retroactive tax increase on our citizens is irresponsible and will ultimately harm families and individuals who are working to make ends meet. Were this bill to become law, the majority of Kansans would see a significant reduction in their pay check immediately. This is unfair.

I also reject the idea that we must choose to either make large cuts to public education or burden every hard working Kansan with a higher tax rate. This dichotomy is false. In my budget proposal, I suggested modest revenue measures on targeted

consumption and taxes paid by businesses. I have also proposed adoption of efficiencies recommended by the study commissioned by the Legislature, all of which result in a structurally balanced budget by Fiscal Year 2019. It is irresponsible to raise taxes on low and middle income Kansans without first ensuring we are doing everything we can to keep the cost of government low.

Kansas has pioneered new ground to generate small business growth and thus create jobs and economic opportunity for more Kansans. We have seen record levels of new business formation and consistently low unemployment. These efforts have been successful, and reversing course now will have a long term negative impact on growing business and opportunity in Kansas. Instead, this bill would raise the tax burden on every small business in the state, create a new tax bracket, raise the income tax liability of Kansans, and would result in undermining the economic health of our state and the opportunity for every Kansan to provide for themselves and their families.

It is our responsibility to make the decisions to build a brighter future for Kansas and to ensure that we do everything we can to provide high quality government service at the lowest cost to Kansans.

Over the coming weeks, I will remain committed to working with legislative leadership to develop a plan that structurally balances our budget without permanently harming hard working Kansans.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto House Bill 2178.

Vetoed: February 22, 2017

Signed, Sam Brownback, Governor of Kansas

A motion was made that **Substitute HB 2178** be passed notwithstanding the Governor's veto. By vote of 85 Yeas and 40 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing passage of **HB 2070, HB 2128, HB 2136, HB 2140, HB 2153, HB 2176, HB 2186, HB 2268, HB 2301, HB 2333.**

Announcing passage of **SB 30**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2070, HB 2128, HB 2136, HB 2140, HB 2153, HB 2176, HB 2186, HB 2268, HB 2301, HB 2333 were thereupon introduced and read by title.

ACTIONS ON VETO MESSAGE

A motion by Senator Masterson on **Sub HB 2178** be passed not withstanding the Governor's veto.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Denning, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

A two-thirds constitutional majority not having voted in favor of overriding the Governor's veto, the motion failed and the veto was sustained.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for further consideration of bills under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the reports for the morning and the following afternoon session were adopted:

SB 42 be passed.

An amendment was offered by Senator Haley. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

SB 57 be amended by motion of Senator Skubal; on page 1, in line 18, after "address" by inserting ", which such email address shall be optional,"; in line 21, after the second "address" by inserting ", which such email address shall be optional,";

On page 2, in line 12, after the second "addresses" by inserting ", which such email addresses shall be optional,"and **SB 57** be passed as amended.

A motion by Senator Skubal to amend **SB 57** was withdrawn.

SB 112 be amended by the adoption of the committee amendments, and the bill be passed as amended.

An amendment was offered by Senator Pettey. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

The committee report on **SB 8** recommending a **Sub SB 8** be adopted, and be further amended by motion of Senator Francisco; on page 5, in line 8, after "postmarked" by inserting "or are otherwise indicated by the United States postal service to have been mailed" and **Sub SB 8** substitute bill be passed as amended.

On motion of Senator Denning the Senate adjourned until 10:00 a.m., Thursday, February 23, 2017.

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 23, 2017, 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:

Sovereign Lord God, You blessed us this morning to see another day. And like the prophet Isaiah said in chapter 50, verse 4, You awaken us morning by morning. Lord, would You also awaken our ears? Awaken that inner ear, so we can listen and learn what You'd have us to say and do in service to others.

Help us develop an ear for Your voice, that we may hear Your still, small quiet voice over all other voices.

When we do, Isaiah said we would learn from You, how to sustain others who are weary...who are in need.

Then, we, who have been helped by You, can then help others, with the same help You've given us. We, who have been encouraged by You, can then encourage others, with the same encouragement.

As we move forward, let the theme of that 1972 song by Johnny Nash, belong to us, and to those we serve. "I can see clearly now, the rain is gone. I can see all obstacles in my way. Gone are the dark clouds that had me down. It's gonna be a bright, bright, sunshiny day."

Thank You for this day. Thank You for awakening us to another wonderful day. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to introduce American Field Service scholarship students paging in the Senate today. Guests included Alessia Sora (Italy), Pascal Zabel (Germany), Hiba Kondah (Morocco), Nada Mahfouz (Egypt), Abdullah Abuomar (Jordan) and Nurul Zamzami (Indonesia).

Senators honored the students with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 210, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed firearms in certain buildings; amending

K.S.A. 2016 Supp. 75-7c20 and repealing the existing section, by Committee on Ways and Means.

SB 211, 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 Assessment and Taxation.

SB 212, AN ACT concerning workplace safety; directing the secretary of labor to enter into an agreement regarding state enforcement of federal occupational safety and health act standards, by Committee on Assessment and Taxation.

SB 213, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing addition modification related to retirement contributions by certain employees of the state board of regents; amending K.S.A. 2016 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

SB 214, AN ACT concerning income taxation; relating to itemized deductions, certain medical expenses; amending K.S.A. 2016 Supp. 79-32,120 and repealing the existing section, by Committee on Assessment and Taxation.

SB 215, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, 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 2079**, **HB 2136**.

Education: **SB 206**.

Ethics, Elections and Local Government: **SB 208**; **HB 2102**, **HB 2158**, **HB 2333**.

Federal and State Affairs: **SB 207**; **HB 2140**.

Financial Institutions and Insurance: **HB 2268**.

Judiciary: **HB 2070**, **HB 2125**, **HB 2128**, **HB 2153**, **HB 2176**, **HB 2186**, **HB 2301**.

Transportation: **HB 2170**.

Utilities: **SB 209**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 8, AN ACT concerning elections; relating to advance voting ballots submitted by mail on election day; amending K.S.A. 25-1132, 25-1133, 25-1134 and 25-1136 and K.S.A. 2016 Supp. 25-1122 and 25-3107 and repealing the existing sections, 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, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Baumgardner, Billinger, Denning, Estes, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The bill passed, as amended.

SB 42, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to a mandatory minimum term of imprisonment; amending K.S.A. 2016 Supp. 21-6620, 21-6623 and 21-6627 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

SB 46, AN ACT concerning water; relating to water conservation areas; amending K.S.A. 2016 Supp. 82a-745 and 82a-1906 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 48, AN ACT concerning water; relating to the diversion of water; chief engineer; remedies for the impairment of a valid water right or permit to divert and use water; amending K.S.A. 82a-716 and 82a-717a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

SB 57, AN ACT concerning elections; relating to candidate and political committee reports to the secretary of state; email addresses; amending K.S.A. 25-4144 and K.S.A. 2016 Supp. 25-4145 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Denning, Masterson, Pilcher-Cook.

The bill passed, as amended.

SB 61, AN ACT concerning agriculture; relating to fees for milk, cream and dairy businesses; authorizing the Kansas secretary of agriculture to collect a fee for processing paper documents; amending K.S.A. 2016 Supp. 65-778 and 65-781 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 62, AN ACT concerning grand juries; relating to sufficiency of petitions; right to appeal; amending K.S.A. 2016 Supp. 22-3001 and 25-3601 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 19; Nays 21; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Denning, Doll, Estes, Fitzgerald, Kerschen, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Billinger, Bollier, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

A constitutional majority having failed to vote in favor of the bill, **SB 62** did not pass.

SB 63, AN ACT enacting the revised uniform fiduciary access to digital assets act; amending K.S.A. 58a-816 and 59-3078 and K.S.A. 2016 Supp. 58-654, 59-3075 and 77-201 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 88, AN ACT concerning motor vehicles; relating to repossessed vehicles, certificates of title, fees; repealing the repossessed certificates of title fee fund; amending K.S.A. 2016 Supp. 8-145 and repealing the existing section; also repealing K.S.A. 8-145e, was considered on final action.

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

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

The bill passed.

SB 89, AN ACT concerning motor vehicles; relating to fees, collection of; amending K.S.A. 2016 Supp. 8-135, 8-145 and 8-145d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The bill passed.

SB 93, AN ACT concerning drivers' licenses; relating to revocation; duration; amending K.S.A. 2016 Supp. 8-254 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 100, AN ACT concerning the nursing service scholarship program; scholarships for mental health nurses; amending K.S.A. 74-3292, 74-3293, 74-3294 and 74-3297 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 101, AN ACT concerning civil procedure; relating to protection orders; protection from abuse act; protection from stalking act; amending K.S.A. 60-3102, 60-31a01, 60-31a03, 60-31a07, 60-31a08 and 60-31a09 and K.S.A. 2016 Supp. 21-5924, 60-31a02, 60-31a04, 60-31a05 and 60-31a06 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 112, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; unlawful possession of drug paraphernalia; burglary; amending K.S.A. 2016 Supp. 21-5709 and 21-5807 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, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Billinger.

The bill passed, as amended.

SB 124, AN ACT concerning the Kansas family law code; relating to child custody, residency and parenting time; evidence of domestic abuse; amending K.S.A. 2016 Supp. 23-3201 and 23-3203 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

SB 154, AN ACT concerning home health agencies; relating to licensure; services provided; amending K.S.A. 65-5102, 65-5103, 65-5107 and 65-5115 and K.S.A. 2016 Supp. 39-1908, 65-5101, 65-5104, 65-5112, 65-5117 and 65-6805 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Tyson.

The bill passed, as amended.

SB 181, AN ACT concerning district courts; relating to persons with suspended drivers' licenses, amnesty agreements, was considered on final action.

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

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

The bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Tyson the Senate nonconcurred in the House amendments to **SB 30** and requested a conference committee be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a conference committee on the part of the Senate.

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 78, SB 114 be passed.

SB 40, SB 47, SB 68, SB 136 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion to further amend **SB 136** was offered by Senator Fitzgerald. A ruling of the chair was requested by Senator Haley as to the germaneness to the bill. The Rules Committee ruled the amendment not germane.

SB 10 be passed over and retain a place on the calendar.

FINAL ACTION ON CONSENT CALENDAR

SB 120, SB 149, SB 166 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 120, AN ACT concerning the Kansas uniform securities act; updating references to the federal securities act of 1933; amending K.S.A. 2016 Supp. 17-12a302 and 17-12a402 and repealing the existing sections.

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

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

Absent or Not Voting: Masterson.

The bill passed.

SB 149, AN ACT concerning the attorney general; relating to briefs in a criminal matter or postconviction case in the supreme court or court of appeals.

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

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

Absent or Not Voting: Masterson.

The bill passed.

SB 166, AN ACT concerning higher education; relating to private and out-of-state educational institutions; exempting Cleveland university-Kansas City; amending K.S.A. 2016 Supp. 74-32,164 and repealing the existing section.

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

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

Absent or Not Voting: Masterson.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 40**, **SB 47**, **SB 68**, **SB 78**, **SB 114**, **SB 136** were advanced to Final Action and roll call.

SB 40, AN ACT concerning criminal procedure; relating to appearance bonds; arrest; revocation; amending K.S.A. 2016 Supp. 22-2807 and repealing the existing section.

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

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

Nays: Baumgardner.

Absent or Not Voting: Masterson.

The bill passed, as amended.

SB 47, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1720, 47-1733 and 47-1734 and K.S.A. 2016 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1719, 47-1732 and 47-1736.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Billinger, Olson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Masterson.

The bill passed, as amended.

SB 68, AN ACT concerning health and healthcare; relating to hospitals; enacting the Kansas lay caregiver act.

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

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

Nays: Suellentrop.

Absent or Not Voting: Masterson.

The bill passed, as amended.

SB 78, AN ACT concerning elections; dealing with polling places; amending K.S.A. 25-2701 and repealing the existing section.

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

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

Absent or Not Voting: Masterson.

The bill passed.

SB 114, AN ACT concerning the revised Kansas code for care of children; relating to rules of evidence; admissibility of certain test results; amending K.S.A. 2016 Supp. 38-2249 and repealing the existing section.

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

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

Absent or Not Voting: Masterson.

The bill passed.

SB 136, AN ACT concerning crimes, punishment and criminal procedure; relating to expungement; arrest records; amending K.S.A. 2016 Supp. 22-2410 and repealing the existing section.

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

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

Nays: Alley.

Absent or Not Voting: Masterson.

The bill passed, as amended.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Goddard moved the Senate reconsider its previous action on **SB 62**. The motion carried.

SB 62, AN ACT concerning grand juries; relating to sufficiency of petitions; right to appeal; amending K.S.A. 2016 Supp. 22-3001 and 25-3601 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 22; Nays 17; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Goddard, Kerschen, LaTurner, Longbine, Lynn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Masterson.

The bill passed as amended.

EXPLANATION OF VOTE

Mr. Vice President: It is unfortunate when the Senate votes to weaken the process dealing with grand juries and the procedure to call for a grand jury. We have a clear process for requesting a grand jury. The changes proposed in this bill merely tie up our courts and expend public resources to challenge the courts' authority. This is a waste of taxpayer dollars. I vote No.—PAT PETTEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 62**.

CHANGE OF REFERENCE

The Vice President moved **Sub SB 95** from the Calendar under the heading of **General Orders** to the Committee on **Federal and State Affairs**.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1606—

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 2017 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 23, 2017, and shall reconvene on March 6, 2017, pursuant to adjournment of the daily session convened on February 23, 2017; 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 and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Denning **SCR 1606** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2036, HB 2044, HB 2066, HB 2076, HB 2080, HB 2095, HB 2106, HB 2129, HB 2148, HB 2160, HB 2187, HB 2197, HB 2203, HB 2210, HB 2260, Sub HB 2272, HB 2278, HB 2302, HB 2312, HB 2320.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2036, HB 2044, HB 2066, HB 2076, HB 2080, HB 2095, HB 2106, HB 2129, HB 2148, HB 2160, HB 2187, HB 2197, HB 2203, HB 2210, HB 2260, Sub HB 2272, HB 2278, HB 2302, HB 2312, HB 2320 were thereupon introduced and read by title.

CHANGE OF REFERENCE

The President withdrew **SB 23** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 128, SB 179, SB 180, SB 200** from the Committee on **Judiciary**, and referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **SB 10, SB 31, SB 45, Sub SB 69, SB 117** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **Sub SB 97, SB 147** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Assessment and Taxation**.

The President withdrew **SB 27** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **Sub SB 95** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Public Health and Welfare**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 175** be amended on page 21, in line 38, by striking "2017" and inserting "2016"; and the bill be reported without recommendation.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 6, 2017.

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 6, 2017, 2:30 p.m.

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

The roll was called with 38 senators present.

Senators Hensley and La Turner were excused.

Vice President Longbine introduced guest chaplain, Pastor Carl Frazier, Southwest Baptist Church, to deliver the invocation:

Dear Lord, we gather together this afternoon, in this place where many decisions are made that affect the lives of the rich, poor, women, men, youth and people of many backgrounds. I ask you to bless those who make the decisions that impact each of us. Keep them healthy and focused while making these decisions. My prayer today is that the legislators look down on the least of these persons and have mercy on their needs with every vote and law that is passed. John 14:27 says, "Peace I leave with you, My peace I give to you; not as the world gives do I give to you. Let not your heart be troubled, neither let it be afraid." I pray for not only the peace of our legislators, but for all neighborhoods to have peace of mind and not worry about gun shots flying into their homes and killing their loved ones; for the school administrators all over the state of Kansas to have peace with their only concern being the education of our children, and not school funding. Provide peace for the parents of Kansas who have to make the hard decision if they can afford to take their child to the doctor because of lack of health care and insurance coverage; for any parent who worries if their child can obtain a higher education because of increasing costs of secondary education; peace for the people leaving the prison system who will now be confronted with the additional stigma of no jobs, inferior healthcare and no voting rights to allow them to make a difference; and, finally peace for those who struggle to make ends meet because of the lack of fair wages. Amos 5:24 says "But let justice run down like water, and righteousness like a mighty stream." Lord, for those who are troubled today because they need justice and righteousness from an unjust system, provide that justice not next year, not next month, not next week, nor tomorrow, but right now. This is my prayer in the mighty 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 216, AN ACT updating statutory references as necessitated by 2012 Executive Reorganization Order No. 41 and making technical changes related thereto; amending

K.S.A. 75-5309, 76-157 and 76-158 and K.S.A. 2016 Supp. 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 75-7d01, 75-5321a and 75-7033 and repealing the existing sections, by Committee on Ways and Means.

SB 217, AN ACT concerning the Kansas department for aging and disability services; updating certain statutory references and making technical changes related thereto; amending K.S.A. 19-4016, 40-2,116, 40-12a01 and 74-3292 and K.S.A. 2016 Supp. 12-736, 21-5417, 21-6109, 22-4612, 36-501, 39-1430, 39-1431, 39-1433, 39-1602, 39-1903, 40-2,105, 40-2,105a, 40-3401, 40-3403, 59-2946, 59-29b46, 59-3077, 65-1626, 65-1669, 65-2895, 65-4412, 65-4432, 65-4915, 65-4921, 65-5601, 65-6805, 75-5923, 75-6102, 79-201b and 79-3606 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:

Agriculture and Natural Resources: **HB 2066, HB 2080; Sub HB 2272; HB 2312.**

Assessment and Taxation: **SB 210, SB 211, SB 213, SB 214, SB 215; HB 2036.**

Commerce: **SB 212.**

Ethics, Elections and Local Government: **HB 2210, HB 2278.**

Judiciary: **HB 2197, HB 2260, HB 2302, HB 2320.**

Public Health and Welfare: **HB 2044, HB 2106, HB 2160, HB 2187.**

Transportation: **HB 2076, HB 2095, HB 2148, HB 2203.**

Ways and Means: **HB 2129.**

CHANGE OF REFERENCE

The Vice President withdrew **SB 210** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 23** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The Vice President withdrew **SB 128, SB 179, SB 180** from the Committee on **Federal and State Affairs**, and rereferred the bills to the Committee on **Judiciary**.

The Vice President withdrew **SB 10, SB 31, SB 45; Sub SB 69; SB 117** from the Committee on **Federal and State Affairs**, and rereferred the bills to the calendar under the heading of **General Orders**.

MESSAGES FROM THE GOVERNOR

SB 22 approved on March 1, 2017.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2107, HB 2118, HB 2174, HB 2205, HB 2217, HB 2219, HB 2240, HB 2256; Sub HB 2257; HB 2262, HB 2304, HB 2329.**

Announcing adoption of **SCR 1606.**

The House accedes to the request of the Senate for a conference on **SB 30** and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2107, HB 2118, HB 2174, HB 2205, HB 2217, HB 2219, HB 2240, HB 2256; Sub HB 2257; HB 2262, HB 2304, HB 2329 were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SB 22 reported correctly enrolled, properly signed and presented to the Governor on February 24, 2017.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 7, 2017.

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 7, 2017, 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.

President Wagle introduced guest chaplain, Reverend Charlie Smith, First Presbyterian Church, Salina, to deliver the invocation:

Lord of our life and God of our salvation, we ask Your blessing on all that is best about us, and Your forgiveness for anything that has fallen short of the greatness of the past, the hopes of the present, and the call to higher things in the future.

Lord, You are our governor, and Your glory shines throughout the world. We commend our State to Your merciful care, that we may live securely in peace and may be guided by Your providence.

Guide those who direct the affairs of this State. Sustain them in their work, support them in their anxieties, and strengthen them in their resolve to seek and pursue the well-being of all the people. Give them joy in their service, due pride in their successes and the approval of a good conscience in all their endeavors. Give them the wisdom and strength to know Your will and to do it. Help them to remember that they are called to serve the people as lovers of truth and justice. Bless them, that they may do their work in the spirit of kindness. And help them to use their authority to serve faithfully, and to promote the general welfare.

And so work among us, by Your good and kindly Spirit, that this State may be renewed in beauty and order, in happiness and peace. 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 218, AN ACT concerning adult care homes; relating to licensure; employment; background checks; amending K.S.A. 2016 Supp. 39-970 and repealing the existing section, by Committee on Federal and State Affairs.

SB 219, AN ACT concerning the Kansas department for aging and disability services; relating to security police officers; training requirements; amending K.S.A. 2016 Supp. 76-12a17 and repealing the existing section, by Committee on Federal and State Affairs.

SB 220, AN ACT concerning the Kansas department for aging and disability services; relating to Larned state hospital and Osawatomie state hospital; catchment

areas; amending K.S.A. 2016 Supp. 39-1602 and repealing the existing section, by Committee on Federal and State Affairs.

SB 221, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; newborn infant protection act; powers and duties of the secretary for children and families; amending K.S.A. 39-713c and K.S.A. 2016 Supp. 38-2202, 38-2254, 38-2255, 38-2268, 38-2269, 38-2282 and 39-708c and repealing the existing sections, by Committee on Federal and State Affairs.

SB 222, AN ACT concerning economic development; relating to the promoting employment across Kansas act, one-year moratorium; amending K.S.A. 2016 Supp. 74-50,212 and 74-50,213 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 223, AN ACT concerning economic development; relating to the promoting employment across Kansas act, business eligibility requirements, certain benefit qualification provision sunsets; amending K.S.A. 2016 Supp. 74-50,212 and 74-50,213 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 224, AN ACT concerning motor fuels tax; relating to rates and trip permits; amending K.S.A. 2016 Supp. 79-3492b, 79-34,118 and 79-34,141 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:

Commerce: **HB 2329**.

Ethics, Elections and Local Government: **HB 2256**.

Financial Institutions and Insurance: **HB 2118**.

Judiciary: **SB 216**; **HB 2240**, **HB 2262**.

Public Health and Welfare: **SB 217**; **HB 2107**, **HB 2205**, **HB 2217**, **HB 2219**, **HB 2304**.

Transportation: **HB 2174**, **Sub HB 2257**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1717—

A RESOLUTION recognizing the Kansas Lottery and the tremendous success it has demonstrated for the citizens of Kansas these past 30 years.

WHEREAS, On November 11, 1986, 64% of Kansas voters said "YES" to establishing a lottery in Kansas; and

WHEREAS, The 1987 Kansas Legislature and Governor Mike Hayden enacted the Kansas Lottery Act; and

WHEREAS, On November 12, 1987, the Kansas Lottery sold the first ticket of its first instant game, Up and Away; and

WHEREAS, The mission of the Kansas Lottery is to produce the maximum amount of revenue possible for the State of Kansas while ensuring the integrity of all games; and

WHEREAS, The Kansas Lottery's purpose is to provide fun and exciting entertainment that allows players to dream about what they would do if they won; and

WHEREAS, The Kansas Lottery provides support for the State of Kansas by generating revenue for economic development, veterans' programs, prison construction, juvenile detention facility construction and the state general fund; and

WHEREAS, The Kansas Lottery has generated more than \$5.4 billion in total sales during the last 30 years, including more than \$1.6 billion transferred to the State. Kansas Lottery players have won \$3 billion in prizes, while Kansas Lottery retailers have earned \$309 million in commissions and bonuses; and

WHEREAS, Much of the Kansas Lottery's success can be attributed to new and innovative ideas, including interactive instant games, lottery best practices, such as higher-price-point tickets, enhanced dispensers, a players' loyalty program and research-based strategies, as well as promotional partnerships, such as with the Kansas Speedway, Country Stampede and the Kansas State Fair; and

WHEREAS, The Kansas Expanded Lottery Act was enacted in 2007, which authorizes the Kansas Lottery to own and operate casino gaming in four "gaming zones." Total revenue to the State from expanded gaming has exceeded \$420 million, which is to be used for purposes designated by the Kansas Legislature, including the reduction of state debt: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Lottery and the tremendous success it has demonstrated for the citizens of Kansas these past 30 years; and

Be it further resolved: That we encourage the Kansas Lottery to continue seeking new and innovative ways to increase its sales in a responsible way that will continue to benefit the State of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1717** was adopted by voice vote. Senators honored Kansas Lottery guests with a standing ovation.

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1718—

A RESOLUTION recognizing the Boys & Girls Clubs across Kansas for the outstanding services they provide for young people and their families.

WHEREAS, Boys & Girls Clubs across Kansas make valuable contributions to the young people of Kansas; 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, The programs promote better self-image, improve education, and increase social, emotional and cultural awareness, while encouraging community involvement, strong moral values and life management skills; and

WHEREAS, Boys & Girls Clubs promote an appreciation for the arts and provide programs in sports, fitness and recreation; and

WHEREAS, The 2017 Youth of the Year contestants are as follows: Ivy Auletti, Boys & Girls Club of Manhattan; Zion Bowlin, Boys & Girls Club of Lawrence; Christopher Burrell, Boys & Girls Club of South Central Kansas; Mikayla Keeling, Boys & Girls Club of Topeka; Hannah Lamson, McConnell Air Force Base Youth Program; Evelyn Leyva, Boys & Girls Club of Hutchinson; Celeste Nicole Marchbanks, Fort Leavenworth Youth Services; and Juleonna Breann Stevenson, Boys & Girls Club of Coffeyville; and

WHEREAS, On March 6, 2017, Youth of the Year nominees from Kansas were chosen as the State and the Military Youth of the Year to represent the State of Kansas in the Boys & Girls Clubs of America's Regional Youth of the Year contest; and

WHEREAS, The Boys & Girls Clubs across Kansas have named March 7, 2017, as their annual "Day at the Capitol"; and

WHEREAS, Through the years, Boys & Girls Clubs have encouraged young people to aspire to the highest level of personal development, and to become good citizens who are involved in their communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Boys & Girls Clubs across Kansas for the outstanding services they provide for young people and their families; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Schmidt.

On emergency motion of Senator V. Schmidt **SR 1718** was adopted by voice vote.

Senators honored the guests with a standing ovation.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

SB 175 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco: on page 21, in line 38, after "be" by inserting ": (1)"; in line 41, after "F" by inserting "; or (2) subtracted from federal adjusted gross income passive losses incurred from activities deriving rents and royalties as reported on the taxpayer's form 1040 federal individual income tax return schedule C, E or F"; the amendment was adopted

Citing Rule 27, Senator Suellentrop moved to divide the question into five parts.

Part 1 containing the provisions of the bill which relate to the taxation of passive income from rents and royalties contained in section 11 of the bill was rejected.

Part 2 containing the provisions of the bill which relate to income tax rates contained in section 10 of the bill was rejected.

Part 3 containing the provisions of the bill which relate to the increase in liquor enforcement tax contained in section 21 of the bill was rejected.

Citing Rule 50 Senator Pyle moved to strike the enacting clause on **SB 175**. A roll call vote was required.

The motion carried.

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

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

Nays: Francisco.

Present and Passing: Olson.

Absent or Not Voting: Hensley.

The bill was lost.

EXPLANATION OF VOTE

Madam President: Although I did not support **SB 175**, I do support a significant increase in taxes on cigarettes and other tobacco products. Tobacco use is the number one preventable cause of death. The side-effects caused by tobacco products significantly drive up medical costs, which drives up the base cost of insurance premiums. This affects all Kansans. The annual health care costs in Kansas directly caused by smoking are \$1.12 billion, and this is coupled with \$1.09 billion in smoking-caused productivity losses. Reducing the use of cigarettes will definitively cut the cost of Medicaid. At the appropriate time, I will vote for a tax plan that contains both a structural balance to our budget AND improves health outcomes with a substantial increase in cigarette and tobacco taxes.—BARBARA BOLLIER

Senators Hardy and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **SB 175**.

Madam President: I vote "NO" on the motion to eliminate the enacting clause from **SB 175**, a bill that included a number of provisions to raise revenue. The motion was made when the Senate was in the midst of a discussion on the taxation of cigarettes and tobacco products. A Senator had indicated that if those provisions passed, the Senator would be offering an amendment to use the revenue gained from those measures to reduce sales tax on food – a proposal I would support. We would have continued with a vote on the fifth part of the division which would give us the opportunity to eliminate the proposed changes in annual reporting fees. I vote NO because I believe we need to establish a Senate position on taxation. Those of us who have objections to the proposals in the bill should be offering amendments and continuing the discussion to establish a plan to generate revenue we need to balance the budget.—MARCI FRANCISCO

Madam President: The clock is ticking. We are at Day 48 of our legislative session, the halfway point no less, and are no closer to addressing our \$800 million structural deficit, let alone the additional hundreds of millions in yet more revenue we will need to properly fund K-12 education. I urge the body to quickly craft and support a revenue package that truly repeals Governor Brownback's 2012 tax debacle and restores Kansas to a more solid financial footing.—TOM HOLLAND

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Holland on **SB 175**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 130** be amended on page 1, in line 17, by striking "January" and inserting "July"; in line 20, by striking "\$.20" and inserting "\$.05"; in line 28, by striking all after "liquid"; in line 29, by striking all after "solution"; in line 30, by striking all before "that" and inserting "or other material"; and the bill be passed as amended.

Also, **SB 116** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **SB 95** be amended by substituting a new bill as recommended by the Senate Committee on Public Health and Welfare as reported in the Journal of the Senate on February 21, 2017, and the substitute bill be amended by substituting a new bill to be designated as "Substitute for Substitute for SENATE BILL No. 95," as follows:

"Substitute for Substitute for SENATE BILL No. 95

By Committee on Public Health and Welfare

"AN ACT authorizing telephonic signatures for public assistance applications; relating to powers, duties and functions of the Kansas department for children and families.";

And the substitute bill be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 8, 2017.

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 8, 2017, 2:30 p.m.

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

Gracious Lord and loving God of all mercies, some of us are worried today. And we have many motivations for our worry. Some are work related. They're over decisions, we need to make or decisions others are making. And the worrying can become so intense that it can negatively impact what we're trying to do. Some worries pertain to personal issues. Maybe they're related to our health or they're connected to what's happening in the life of a loved one. Sometimes Lord, we can worry over the fact that we are worrying about something we know we shouldn't be worrying about.

You told us, in Matthew 6:25, 31 and 34 not to worry about anything.

Yet, Lord, You have given each of us significant responsibilities and You want us to be concerned about them. But help us to keep our concerns from turning into worry. When we are concerned, we only look at carrying our responsibility. When we worry, we're taking on the heaviness of responsibilities You haven't given us.

You said, in Matthew 6, that as long as we seek to put You first and concern ourselves with Your agenda, that You would take care of ours. If we make Your business our business, You would make our business Your business. And afterward, when we look back over our business, we'll see that You handled it much better than we could have.

So, Lord, please increase our little bit of faith. Help us to stop worrying about whatever we worry about. Remind us that Your hands are bigger, stronger and more compassionate than ours. Keep us mindful that as our Creator, Provider and Sustainer, You are much more concerned about the things that concern us.

Since frustration is trying to do something we haven't been given the power to do, help us to release to You...to give over to You all our causes of worry.

Thank You for looking beyond our faulty, sometimes failing, fumbling faith, in order to meet us at our point of need.

I come to You, in the Precious Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senators Holland and Fitzgerald rose on a Point of Personal Privilege to introduce

Southern Leadership Development and Leadership Leavenworth-Lansing members seated in the gallery.

Senators honored the guests with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize International Women's Day activities being held across the country today. Originally, it was International Working Women's Day in recognition of the importance of women to their families, their communities, their cities, their states and their nations. We salute all women today because all women are working women serving in every facet of our lives.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 225, AN ACT concerning certain crimes; relating to charitable poker tournaments; amending K.S.A. 2016 Supp. 21-6403 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:

Assessment and Taxation: **SB 222, SB 223, SB 224.**

Public Health and Welfare: **SB 218, SB 219, SB 220, SB 221.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1719—

A RESOLUTION recognizing March 2017 as Brain Injury Awareness Month.

WHEREAS, There are 2.5 million Americans who sustain traumatic brain injuries every year; and

WHEREAS, Traumatic brain injuries are a contributing factor in one-third of all injury-related deaths in the United States; and

WHEREAS, These injuries are largely the result of falls, motor vehicle accidents, assaults, sports-related injuries or occupational injuries; and

WHEREAS, More than 5.3 million Americans are living with disabilities related to a traumatic brain injury; and

WHEREAS, Research, treatment and support help reduce the recovery time for people who have suffered a traumatic brain injury; and

WHEREAS, Family members, friends and members of their communities can play a central role in enhancing the lives of citizens living with a traumatic brain injury; and

WHEREAS, The Brain Injury Association of Kansas and Greater Kansas City offers education and support to families and individuals with traumatic brain injuries by assisting in community integration and helping individuals to live as independently as their injuries allow: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize March 2017 as Brain Injury Awareness Month to promote public awareness on the extent, causes, consequences, treatment and prevention of traumatic brain injuries, and to remind people with brain injuries and their families that they are not alone; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Cari Anne Cashon, the Brain Injury Association of Kansas and Greater Kansas City and Senator McGinn.

On emergency motion of Senator McGinn **SR 1719** was adopted by voice vote.

Guests introduced were Tim Keck and Cari Anne Cashon. Senators honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 85** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 85," as follows:

"Substitute for SENATE BILL No. 85

By Committee on Federal and State Affairs

"AN ACT concerning healthcare; relating to withholding cardio-pulmonary resuscitation from unemancipated minors; information requirements; refusal of consent, exceptions; dispute resolution.";

And the substitute bill be passed.

Committee on **Transportation** recommends **HB 2076** be amended on page 2, in line 21, after "and" by inserting "after"; and the bill be passed as amended.

Also, **HB 2096** be amended on page 1, following line 26, by inserting:

"(e) The secretary of transportation and persons designated by the board of county commissioners of Johnson and Wyandotte counties shall report to the legislature on or before March 1, in 2018, 2019 and 2020, concerning the implementation and operation of the program authorized by this section."; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SCR 1606 reported correctly enrolled, properly signed and presented to the Secretary of State on March 8, 2017.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 9, 2017.

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 9, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Schmidt was excused.

Invocation by Reverend Cecil T. Washington:

I'm asking all of you to join me today. In 1 Timothy 2:2-3, the Lord says You should pray for all who have authority. Pray for the leaders so that we can have quiet and peaceful lives...lives full of worship and respect for God. Verse 3 says, "This is good, and it pleases God our Savior."

So, I'm asking all of you to join me today; everyone under the sound of my voice; on the floor; in the balcony; in the halls; if you can hear me, join me in sending up a chorus of audible...not just silent prayers. All of us here have some authority, so let's pray for each other and all that are in authority.

When we do this, God says, in Matthew 18:19-20, that we will be blessed with Divine, Heavenly power, due to our coming together; due to the synergy of us uniting in prayer.

So, please repeat after me this simple childlike prayer.

Heavenly Father, in this time of prayer, we come before You together, together in our need for Your wisdom; together in our need for Your guidance; together in our need for Your resources. Please meet everyone of us, at our various points of need; we come together today, praying for one another.

Republicans praying for Democrats; Democrats praying for Republicans; all of us praying for each other. We pray for the heads of this nation; for the heads of Kansas and all the United States; for the heads of our counties and cities; for the heads of our families; and all that are in authority. We thank You for the privilege of prayer and for the peace that follows.

Your Word says, "This is good, and it pleases God our Savior." Amen and Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINTS OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize members of the Kansas Silver Haired Legislature in the gallery today.

Senators Faust-Goudeau and McGinn honored members of Donate Life Kansas, in recognition of donor transplantation. Kansas Donate Life will be celebrated in April.

Senators honored all guests with a standing ovation.

Senator Julia Lynn recognized the Olathe Northwest High School Robotics 1710 Team. Guests introduced were Cole Brabec, Jordan Love, Kanisa Goss, Neel Patel, CeCe Miller, Markus Beccera, Charly Want, Melanie Hiradi, Jerusha Rowden and coaches Ladina Wingfield, Jean Melech and Darren Worcester.

Senators honored the students with a standing ovation.

Senator Ed Berger recognized individuals shadowing Senators today. Guests introduced were Gage Schoenhoff – Senator Estes; Aaron Soellner – Senator Billinger; Emily Harner – Senator Bollier; Samantha Ryan – Senator Faust-Goudeau; Hannah Schoenecker – Senator Francisco; Aurora Roberts – Senator Lynn; and Damien Espinosa – Senator Berger.

CHANGE OF REFERENCE

An objection having been made to **SB 116** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly and Longbine introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1720—

A RESOLUTION commemorating the 150th anniversary
of the Wamego First United Methodist Church.

WHEREAS, March 13, 2017, marks the 150th anniversary of the Wamego First United Methodist Church's founding; and

WHEREAS, Methodism was brought to the early pioneers of Wamego by circuit riders, and the Methodist-Episcopal Church was established on March 13, 1867, and grew to 60 members by 1870. During those early years, services were held in various halls around the community; and

WHEREAS, In 1878, a wood-framed church was built north of Sixth and Lincoln Streets, and in 1905, under the guidance of Reverend G.A. Marvel, plans for a church made of native stone were begun; and

WHEREAS, On June 9, 1908, the cornerstone for the stone church was laid during a special ceremony, and Reverend Marvel read a list of articles placed in the cornerstone; and

WHEREAS, In 1909, the native stone church, which still stands today, was completed at an approximate cost of \$14,000 and includes 32 beautiful stained-glass windows that were donated by members and friends of the church; and

WHEREAS, In 1942, the basement of the church was refinished, and the kitchen was remodeled and modernized to provide better facilities for the many fellowship events and Sunday school classes held at the church; and

WHEREAS, In 1947, the sanctuary was completely remodeled and air conditioning was added with funds provided by a generous gift from Henry M. and Matilda A. Mitchell; and

WHEREAS, In 1963, with the church having grown to 400 members, plans were begun to construct a fellowship and education building north of the stone church; and

WHEREAS, On January 16, 1966, a consecration service was held for the newly constructed Fellowship Hall, which was connected to the stone church and contained a newer, larger kitchen in addition to more space for educational purposes; and

WHEREAS, On March 13, 1992, a grand celebration for 125 years of Methodism in Wamego was held, and the cornerstone from 1908 was opened and resealed; and

WHEREAS, In August, 1999, a Vision Awareness event occurred and resulted in the first of five capital campaigns, which ultimately raised \$2.5 million for the building project; and

WHEREAS, In February, 2003, ground was broken for the building project and construction began; and

WHEREAS, On October 31, 2004, the new education wing with more classrooms, larger offices for the pastor and staff, an enlarged and remodeled kitchen, larger handicapped-accessible restrooms, a larger elevator and an enlarged sanctuary were dedicated; and

WHEREAS, On March 12, 2017, the congregation celebrated 150 years of faithfulness with a church service, music by the chancel choir, the hand bell choir, the Prairie Rose Quartet, the dedication of two original pieces of artwork, an old-fashioned potluck luncheon and an open house; and

WHEREAS, Over the past 150 years, members of the Wamego First United Methodist Church have dedicated their time, talents, gifts, prayers, service and witness to make the Wamego First United Methodist Church a vibrant part of Wamego history: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 150th anniversary of the Wamego First United Methodist Church; and

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

On emergency motion of Senator Kelly **SR 1720** was adopted by voice vote.

Guests introduced were Rev. Michael Tomson-DeGreeff, Teresa Weixelman, David Mize and Janette Mize.

Senators honored the guests with a standing ovation.

COMMUNICATIONS FROM STATE OFFICERS

March 9, 2017

Pursuant to Rule 8, the **Select Committee on Education Finance** is established with the appointments of: Senator Denning (Chairperson), Senator McGinn (Vice-Chairperson), Senator Hensley (Ranking Minority Member), Senator Baumgardner, Senator Bollier, Senator Estes, Senator Goddard, Senator Kerschen, and Senator Pettey.

SUSAN WAGLE
President of the Senate

MESSAGE FROM THE HOUSE

Announcing passage of **SB 43**.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2192** be passed.

Committee on **Assessment and Taxation** recommends **SB 96** be amended on page 3, in line 1, by striking "5702(l)" and inserting "5702(k)"; in line 18, by striking "(u)"; in line 31, by striking the second "or"; in line 32, before "electronic" by inserting ", tobacco products or"; in line 39, after "salesperson" by inserting ", and which is knowingly utilized by the retail dealer to market and sell cigarettes and tobacco products to consumers";

On page 8, in line 13, after the semicolon by inserting "or"; by striking all in line 15; in line 21, after the semicolon by inserting "or"; in line 22, by striking all after "act"; in line 23, by striking all before the period; in line 26, after the comma by inserting "in any of the following ways,"; in line 27, before the first comma by inserting "the person"; also in line 27, by striking second comma and inserting "of"; in line 28, before "license" by inserting "person's"; also in line 28, by striking all after "licenses"; by striking all in line 29; in line 30, by striking all before the colon and inserting ", if the person";

On page 9, in line 5, after the semicolon by inserting "or"; by striking all in line 7; in line 13, after the semicolon by inserting "or"; in line 14, by striking all after "act"; in line 15, by striking all before the period;

On page 13, in line 28, by striking all after "retail"; in line 29, by striking all before "that";

On page 16, in line 6, after "(C)" by inserting "within 72 hours of receipt,"; in line 9, by striking all before the period;

On page 17, in line 40, by striking "and sold";

On page 28, following line 31, by inserting:

"New Sec. 24. (a) No provisions of this act shall: (1) Be deemed to amend or modify any compact described in K.S.A. 79-3323(a); or (2) be enforced in a manner which would cause the state to breach the terms of any compact described in K.S.A. 79-3323(a).

(b) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 184** be amended on page 2, in line 13, after the semicolon by inserting "and"; in line 14, by striking all after "(3)"; by striking all in line 15; in line 16, by striking "(5)"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 174** be passed.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 10, 2017.

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 10, 2017, 8:00 a.m.

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

The roll was called with 29 senators present.

Senators Estes, Faust-Goudeau, Fitzgerald, Hardy, Holland, LaTurner, Masterson, Pilcher-Cook, Pyle, Schmidt and Taylor were excused.

Invocation by Reverend Cecil T. Washington:

Lord, we've come to the end of another week, and we thank You for Your continued grace and mercy. Bless all of us with traveling grace in going to our various destinations. Help us find things well upon our arrival.

Also, remind us Lord, to change our clocks on Sunday, in keeping with daylight saving time. Thanks for the additional light that we'll have and the additional safety it'll provide.

And even when the darkness comes, protect us from the evil deeds of the people who love the dark rather than light as mentioned in John 3:10.

Watch over all the servants under this dome and when we return, let us come back refreshed.

Thanks for helping us finish another week of service. In the precious name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SB 225**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 202** be passed.

Also, recommends **SB 155** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 155," as follows:

"Substitute for SENATE BILL No. 155

By Committee on Federal and State Affairs

"AN ACT concerning non-intoxicating cannabinoid medicine; eliminating criminal and professional penalties for recommending, dispensing, distributing or possessing non-intoxicating cannabinoid medicines and related paraphernalia; amending K.S.A. 2016 Supp. 21-5706, 21-5708, 21-5709, 65-1626 and 65-4123 and repealing the existing sections.";

And the substitute bill be passed.

SB 200 be amended on page 1, in line 25, by striking "investigative" and inserting "investigation"; in line 31, by striking "investigative" and inserting "investigation"; also in line 31, after "records" by inserting ", other than the identity of any confidential source or undercover agent,";

On page 2, following line 43, by inserting:

"Sec. 2. K.S.A. 45-218 is hereby amended to read as follows: 45-218. (a) All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall ~~removal~~ ~~remove~~ original copies of public records from the office of any public agency without the written permission of the custodian of the record.

(b) Upon request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. 45-220, and amendments thereto.

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) (1) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(2) For public records requests for those records listed in K.S.A. 45-217(c)(2)(B), and amendments thereto, the public agency shall furnish copies within 30 days of receiving the request. If such request is made by a parent, child, sibling or grandparent of the person whom the records concern, no fee shall be charged to the person requesting copies of such records.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219, and amendments thereto,";

On page 4, in line 22, after "(B)" by inserting ", and amendments thereto";

On page 11, in line 17, before "K.S.A." by inserting "K.S.A. 45-218 and"; in line 19, 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. 45-218 and";

and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 179** be amended on page 2, in line 11, after "Supp." by inserting "21-5426(b)(4) or (5) or"; also in line 11, by striking "or 21-6422";

On page 3, in line 2, by striking "(c)" and inserting "(d)"; in line 19, by striking all after the second period; by striking all in line 20; in line 21, by striking all before "an"; in line 22, after the second comma by inserting "shall"; in line 25, after "completion" by inserting "to the division of vehicles of the department of revenue"; also in line 25, after the period by inserting "Not later than January 1, 2018, the attorney general shall, in consultation with the director of vehicles, promulgate rules and regulations to implement the provisions of this section.";

On page 4, in line 4, after "(4)" by inserting "and (5)"; in line 33, by striking "or"; in line 35, by striking "inducing" and inserting "obtaining"; also in line 35, by striking "person under 18 years of age" and inserting "child"; in line 36, by striking "person" and inserting "child"; in line 39, after "value" by inserting "; or

(5) hiring a child by giving, or offering or agreeing to give, anything of value to any person, to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act, and the offender knows, should have known, is deliberately indifferent to, is willfully blind to, or recklessly disregards the age of the child";

On page 5, in line 20, by striking "(c)" and inserting "(d)"; in line 26, after "(e)" by inserting "It shall be an affirmative defense to any prosecution under subsection (b)(4) or (5) that the defendant: (1) Was under 18 years of age at the time of the violation; and (2) committed the violation because such defendant, at the time of the violation, was subjected to human trafficking or aggravated human trafficking, as defined by this section.

(f) It shall not be a defense to a charge of aggravated human trafficking, as defined in subsection (b)(4) or (5), that the victim consented or willingly participated in the forced labor, involuntary servitude or sexual gratification of the defendant or another.

(g) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for commercial sexual exploitation of a child, as defined by K.S.A. 2016 Supp. 21-6422, and amendments thereto, or for any form of homicide.

(h) ";

Also on page 5, in line 29, by striking the comma and inserting ":

(1) "Child" means a person under 18 years of age; and

(2) ";

Also on page 5, by striking all in lines 33 through 36;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 6, in line 28, by striking "(c)" and inserting "(d)";

On page 8, in line 31, by striking all after "(1)"; by striking all in lines 32 through 43;

On page 9, in line 1, by striking "(2)"; in line 39, by striking "(c)" and inserting "(d)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 15, following line 21, by inserting:

"Sec. 11. K.S.A. 2016 Supp. 22-4906 is hereby amended to read as follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted of any of the following

offenses, an offender's duration of registration shall be, if confined, 15 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:

(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5505(a), and amendments thereto;

(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2016 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;

(C) promoting the sale of sexual relations, as defined in K.S.A. 2016 Supp. 21-6420, and amendments thereto:

(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2016 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, when one of the parties involved is less than 18 years of age;

~~(E)~~(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2016 Supp. 21-5513, and amendments thereto, when one of the parties involved is less than 18 years of age;

~~(F)~~(F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2016 Supp. 21-5401, and amendments thereto;

~~(G)~~(G) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;

~~(H)~~(H) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments thereto;

~~(I)~~(I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;

~~(J)~~(J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto;

~~(K)~~(K) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2016 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;

~~(L)~~(L) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

~~(M)~~(M) conviction of any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act;

~~(N)~~(N) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

~~(O)~~(O) unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2016 Supp. 21-5703, and amendments thereto;

~~(P)~~(P) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined by ~~subsection (a) of~~ K.S.A.

65-7006(a), prior to its repeal, ~~subsection (a)~~ of K.S.A. 2010 Supp. 21-36a09(a), prior to its transfer, or ~~subsection (a)~~ of K.S.A. 2016 Supp. 21-5709(a), and amendments thereto;

~~(P)(Q)~~ K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1)~~ of K.S.A. 2010 Supp. 21-36a05(a)(1), prior to its transfer, or ~~subsection (a)(1)~~ of K.S.A. 2016 Supp. 21-5705(a)(1), and amendments thereto; or

~~(Q)(R)~~ any 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. 2016 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 15 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(b) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:

(A) Criminal sodomy, as defined in ~~subsection (a)(1)~~ of K.S.A. 21-3505(a)(1), prior to its repeal, or ~~subsection (a)(1) or (a)(2)~~ of K.S.A. 2016 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto, when one of the parties involved is less than 18 years of age;

(B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2016 Supp. 21-5508(a), and amendments thereto;

(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or K.S.A. 2016 Supp. 21-5509, and amendments thereto;

(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-5604(b), and amendments thereto;

(E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2016 Supp. 21-5506(a), and amendments thereto;

(F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2016 Supp. 21-5512, and amendments thereto;

(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;

(H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-5505(b), and amendments thereto;

(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2016 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is 14 or more years of age but less than 18 years of age; or

(J) any 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. 2016 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in

any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.

(d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender's lifetime:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments thereto;

(2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of K.S.A. 2016 Supp. 21-5508(b)~~, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of K.S.A. 2016 Supp. 21-5506(b)~~, and amendments thereto;

(4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of K.S.A. 21-3505(a)(2) or (a)(3)~~, prior to its repeal, or ~~subsection (a)(3) or (a)(4) of K.S.A. 2016 Supp. 21-5504(a)(3) or (a)(4)~~, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of K.S.A. 2016 Supp. 21-5504(b)~~, and amendments thereto;

(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b) of K.S.A. 2016 Supp. 21-5426(b)~~, and amendments thereto;

(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age;

(8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2016 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is less than 14 years of age;

(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or ~~subsection (a) of K.S.A. 2016 Supp. 21-5408(a)~~, and amendments thereto;

(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or ~~subsection (b) of K.S.A. 2016 Supp. 21-5408(b)~~, and amendments thereto;

(11) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto; or

(12) any 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. 2016 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person's lifetime.

(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in ~~subsection (c) of K.S.A. 22-4902(c)~~, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender

is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in ~~subsection (e) of K.S.A. 22-4902(c)~~, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2016 Supp. 21-6804, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in ~~subsection (e) of K.S.A. 22-4902(c)~~, and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2016 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order,

requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in ~~subsection (a)(5) of K.S.A 22-4902(a)(5)~~, and amendments thereto, then all provisions of the Kansas offender registration act shall apply, except that the duration of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(j) The duration of registration does not terminate if the convicted or adjudicated offender again becomes liable to register as provided by the Kansas offender registration act during the required period of registration.

(k) For any person moving to Kansas who has been convicted or adjudicated in an out-of-state court, or who was required to register under an out-of-state law, the duration of registration shall be the length of time required by the out-of-state jurisdiction or by the Kansas offender registration act, whichever length of time is longer. The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006, and to convictions or adjudications on or after June 1, 2006, and to persons who moved to Kansas on or after June 1, 2006.

(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out-of-state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act.";

On page 21, in line 42, after the second comma by inserting "22-4906,";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after the fourth comma by inserting "22-4906,"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1717, SR 1718, SR 1719, SR 1720 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 10, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of February 20 through February 23 and March 6 through March 10, 2017.

Senator Bowers: congratulating Kansas Territory Brewing Company on being named the Best New Brewer in Kansas for 2016, congratulating Jed Strnad on being named the State Agriculture Teacher of the Year, congratulating Don Landoll on being inducted into the 2017 Topeka Business Hall of Fame, congratulating Carrie Fraser on receiving the Kansas Farm Bureau Excellence in Agriculture Award, congratulating Lisa Voelker on receiving the Outstanding EMT Service Director Award, congratulating Ray and Donna Zillinger on their 70th Wedding Anniversary, celebrating Delores Sutton's 100th Birthday;

Senator Faust-Goudeau: recognizing International Women's Day;

Senator Hardy: celebrating Marjorie Theleman's 100th Birthday, congratulating the Abilene High School Wrestling Team on winning the Class 4A State Championship, congratulating Melinda Eitel on receiving the Kansas Master Teacher Award;

Senator Kelly: congratulating the Rossville High School Football Team on winning the 2016 3A State Championship;

Senator LaTurner: congratulating the Pittsburg Rotary Club on its 100th Anniversary;

Senator Pyle: congratulating Sydney Smith on being named a Top Youth Volunteer in Kansas;

Senator Schmidt: congratulating Mikayla Keeling on receiving the Boys and Girls Clubs of Topeka Youth of the Year Award; and

Senator Faust-Goudeau and Senator McGinn: recognizing the Donate Life Kansas Team.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 13, 2017.

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 13, 2017, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Schmidt was excused.

Invocation by Reverend Cecil T. Washington:

Lord, thank You for bringing us back safely to these responsibilities. But, help us to follow Your example. Being motivated by love, help us to order better ways of life for Your people.

It was out of love, that You ordered better ways of life for each of us. But, Lord, even though we know that love is Your motivation, there are a few of Your guidelines that seem pretty hard to handle. Sometimes, they appear to go against the grain and seem to be filled with tension.

For example, Lord, in Matthew 5 and again in Luke 6, You say things like “Love your enemies; do good to those who hate you; pray for those who persecute you; if slapped on your right cheek, turn to them the other; if sued for your shirt, also give them your coat; if you're forced to go one mile, go for two; give to him who asks of you; and, don't turn away from him who wants to borrow.”

Lord, these are hard to grasp, but You're saying You want us to be like You. Because You bless the hateful as well as the righteous. You dispense equally upon us all, Your sunlight and rain...Your grace and mercy.

And You want us, who have received Your grace and mercy to be salt and light, likewise offering grace and mercy to others.

So, Lord, deliver us from the hypocrisy of handing down our directives to others while skirting around the ones You've handed down to us.

And although people will sometimes find our decisions hard to swallow, and although some may even express hatred, let every action we take be motivated by love. Fill us with Your loving Spirit and help us to be just like You.

In the name of Jesus, Who was Love personified. 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 226, AN ACT concerning the state library; relating to the state librarian; state library of Kansas board; appointment by legislative coordinating council; amending K.S.A. 2016 Supp. 75-2535, 75-2546 and 75-2935 and repealing the existing sections;

also repealing K.S.A. 75-2537, by Committee on Ways and Means.

SB 227, 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.

MESSAGES FROM THE GOVERNOR

February 10, 2017

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Member, Kansas Public Employee's Retirement System Board of Trustees, Kelly Arnold (R), Wichita, pursuant to the authority vested in me by KSA 74-4905 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed himself.

Member, Kansas Development Finance Authority, Nancy Toelkes (D), Topeka, pursuant to the authority vested in me by KSA 74-8903 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term to expire January 15, 2019, to succeed Suresh Kumar.

February 13, 2017

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Judge, Kansas Board of Tax Appeals, Ron Mason (R), Hutchinson, pursuant to the authority vested in me by KSA 74-2433 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed himself.

Chief Hearing Officer, Kansas Board of Tax Appeals, Arlen Siegfried (R), Olathe, pursuant to the authority vested in me by KSA 74-2433 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed himself.

March 3, 2017

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Brigadier General, Kansas National Guard, Colonel John Rueger (R), Lenexa, pursuant to the authority bested in me by KSA 48-208 et seq., and effective upon the date of confirmation by the Senate, to serve five years, to succeed Brigadier General Anthony Mohatt.

Brigadier General, Kansas National Guard, Colonel David Weishaar (U), Maize, pursuant to the authority vested in my by KSA 48-208 et seq., and effective upon the date of confirmation by the Senate, to serve five years.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 169** be passed.

REPORT ON ENROLLED BILLS

SB 43 reported correctly enrolled, properly signed and presented to the Governor on March 13, 2017.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 14, 2017.

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 14, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Schmidt was excused.

President Wagle introduced guest chaplain Captain Scot Kerns, Wing Chaplain, Kansas Wing Civil Air Patrol, to deliver the invocation:

I invite you all to pray with me:

Almighty God, You rule over all. All authority comes from You. It comes from You to those servants who make and administer our laws.

In Your Holy Word it says, "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God."

So it is then that we pray for these Your servants of the Kansas Senate. We ask that you guide them in their matters of deliberation and as they make decisions that they would benefit all residents of Kansas including all the volunteers of the Civil Air Patrol.

It is the dedicated volunteers of Kansas Wing Civil Air Patrol, who distinguish themselves in service to their communities, the state and our nation. We pray for all those of the Civil Air Patrol, the official auxiliary of the United States Air Force. We give thanks for all servants of the Civil Air Patrol who are dedicated to giving back to the communities through its three missions – Emergency Services, Aerospace Education, and Cadet Programs.

Here now I pray that together, all as servants – we might see how You finally came to serve us. I pray that all might always look to You, the Chief Servant, the Lord, Jesus Christ till that life everlasting. Amen

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Bowers rose on a Point of Personal Privilege to recognize members of the Kansas Wing Civil Air Patrol visiting the Capitol. The Civil Air Patrol consists of over 30,000 adults and 20,000 youth members nation-wide.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 228, AN ACT enacting the Kansas medicaid reform act; relating to requirements for services and supports provided under the Kansas program of medical assistance;

requiring legislative approval prior to certain changes to the Kansas program of medical assistance, by Committee on Ways and Means.

SB 229, AN ACT concerning elections; relating to election commissioners; amending K.S.A. 19-3419 and repealing the existing section, by Committee on Ways and Means.

SR 1723, A RESOLUTION recognizing that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms, by Senators Pilcher-Cook, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hawk, Kerschen, LaTurner, Lynn, Masterson, Olson, Petersen, Pyle, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 226**.

Financial Institutions and Insurance: **SB 227**.

REFERENCE OF BILLS AND RESOLUTIONS

The President referred **SR 1723** to the Committee on **Federal and State Affairs**.

REFERENCE OF APPOINTMENTS

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

Chief Hearing Officer, State Board of Tax Appeals:

Arlen Siegfried, to serve a term ending January 15, 2021.
(Assessment and Taxation)

Board Member, Kansas Development Finance Authority:

Nancy Toelkes, to serve a term ending January 15, 2019.
(Ways and Means)

Member, Kansas Public Employees Retirement Board of Trustees:

Kelly Arnold, to serve a term ending January 15, 2021.
(Ways and Means)

Member, State Board of Tax Appeals:

Ronald Mason, to serve a term ending January 15, 2021.
(Assessment and Taxation)

General Officer, Kansas Army National Guard:

John Rueger, to serve five years.
(Federal and State Affairs)

Commander, Kansas Air National Guard:

David Weishaar, to serve five years.
(Federal and State Affairs)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Holland, Baumgardner, Billinger, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hawk, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal and Suellentrop introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1721—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC), a member of the national organization, America's SBDC, is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting and training and the identification of appropriate resources; and

WHEREAS, The Kansas SBDC regional directors and staff selected eight Emerging Business of the Year award recipients, eight Existing Business of the Year award recipients and one Exporting Business of the Year award recipient; and

WHEREAS, The Kansas SBDC's Business of the Year awards are designed to recognize Kansas SBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and positive economic impact, which is based on a record of profitability and the Kansas SBDC Economic Impact Tracking spreadsheet, and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2017 Kansas SBDC Emerging Businesses of the Year are: Cowgirl Creations and Design in St. Francis, Kansas, owned by Allison Grice; Gorilla Country in Pittsburg, Kansas, owned by Steve Scott; HECO Heating & Cooling, LLC, in Liberal, Kansas, owned by Rafael Figueroa; Limestone Pizza Kitchen Bar in Lawrence, Kansas, owned by Debbie Rascoll and Rick Martin; Mulready's Pub in Emporia, Kansas, owned by Rick Becker; Reverie Coffee Roasters in Wichita, Kansas, founded by Andrew Gough; Sprout Communications in Topeka, Kansas, owned by Caleb Asher; and Town Square in Paola, Kansas, owned by Michelle A. Kaiser; and

WHEREAS, The 2017 Kansas SBDC Existing Businesses of the Year are: Audacious Boutique in Iola, Kansas, owned by Kelly Sigg; Heartland Mill, Inc., in Marienthal, Kansas, owned by Mark Nightengale; Jason Wright Electric in Olathe, Kansas, owned by Jason Wright; Primary Color Music in Lawrence, Kansas, owned by Sam Billen; PWI, Inc., in Wichita, Kansas, owned by Judy Baldwin and Robi Lorik; Quality Profile Services, Inc., in Council Grove, Kansas, owned by John and Karen True; Second Chance Ranch in Goodland, Kansas, owned by Todd Trzcinski; and Toto's Tacoz! in Wamego, Kansas, owned by Craig and Colleen Lord; and

WHEREAS, The 2017 Kansas SBDC Exporting Business of the Year is GT Manufacturing, Inc., in Clay Center, Kansas, owned by James Sampson and Dennis Pedersen; 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 2017 Emerging, Existing and Exporting Businesses of the Year and wish all of them, the Kansas SBDC and America's SBDC continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1721** was adopted by voice vote. Senators honored the Small Business owners with a standing ovation.

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

SENATE RESOLUTION No. 1722—

A RESOLUTION honoring the 50th anniversary of the Valley Hope Treatment Center.

WHEREAS, The Valley Hope Association is one of the largest non-profit alcohol and drug treatment providers in the nation; and

WHEREAS, Since Valley Hope Association opened its doors with the Valley Hope Treatment Center in Norton, Kansas, in 1967, they have touched the lives of over 400,000 individuals and their family members; and

WHEREAS, Valley Hope was built on the belief that alcoholism and drug addiction are treatable chronic diseases, and that treatment should focus on helping individuals recover physically, mentally and emotionally, with programming that is centered on love, dignity and respect; and

WHEREAS, The Valley Hope Association continues to make significant contributions to the prevention, intervention and treatment of alcohol and drug abuse in Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the 50th anniversary of the Valley Hope Treatment Center; 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 1722** was adopted by voice vote.

Valley Hope Center CEO Pat George and members of the staff were introduced. Senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2387**.

Announcing adoption of **HCR 5012**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2387 was thereupon introduced and read by title.

JOINT SESSION

HCR 5012, providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court, was introduced and read by title.

On emergency motion of Senator Denning, **HCR 5012** was adopted by voice vote.

The President appointed Senator Wilborn and Senator Haley to escort the Supreme Court.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2066** be passed.

Also, **HB 2079**, as amended by House Committee, be passed.

HB 2080 be amended on page 1, in line 17, by striking all after "minutes"; by striking all in line 18; in line 19, by striking all before the period; in line 22, after "to" by inserting "hold office as a director,"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2164** be passed.

Committee on **Ethics, Elections and Local Government** recommends **HB 2013**, as amended by House Committee, be passed.

Committee on **Federal and State Affairs** recommends **SB 201** be passed.

Committee on **Ways and Means** recommends **HB 2052** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2052," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2052

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, June 30, 2024, and June 30, 2025, 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. 2016 Supp. 74-4920, 75-2263, 75-2319, 75-4209 and 75-6706 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d.";

And the substitute bill be passed.

Also, **SB 109** be amended on page 1, in line 7, by striking "year" and inserting "years"; also in line 7, after "2017" by inserting ", June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021 and June 30, 2022"; by striking all in lines 34 through 36; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 15, 2017.

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 15, 2017, 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, Lord, God of Heaven and earth. We are honored to have many spiritual leaders in the Capitol today. Leaders that are responsible for guiding us in Your ways...ways designed to make us better people. You lead them to lead us, to a higher quality of life; not only here, but in the hereafter.

Help us to appreciate, and to show appreciation for their labors. Because Lord, the compilation of research, coming from the Fuller Seminary, George Barna and the Frances Schaefer Institute, reveal that our spiritual leaders are in dire need of our prayers and support.

Lord, the statistics say that:

- Fifteen hundred pastors leave the ministry each month due to spiritual burnout, contention in their churches or moral failure. Help them Lord.
- Fifty percent are so discouraged that they would leave the ministry if they could, but have no other way of making a living. Help them Lord.
- Seventy percent are constantly fighting depression. Help them Lord.

In fact, help us to be instruments in Your hands showing them favor. You said in Galatians 6:6, "The person who is taught God's word should share all good things with his teacher."

So Lord, help us to be sources of encouragement to our spiritual leaders. And help them, as it says in Galatians 6:9, to not get weary in their well-doing because the sheep need shepherds.

Lord, I know this prayer is in accord with Your will, because it's in accord with Your Word. So thank You for hearing. And thank You for providing.

I come to You in Jesus' name, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Hardy rose on a Point of Personal Privilege to recognize members of the award-winning Abilene Cowboys wrestling team and Coach Stout.

Senators honored the team with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 230, AN ACT concerning taxation; relating to the high performance incentive program; moratorium on income tax credits, sales tax exemptions; amending K.S.A. 2016 Supp. 74-50,115, 74-50,131, 74-50,132 and 79-32,160a and repealing the existing sections, by Committee on Assessment and Taxation.

SB 231, AN ACT concerning economic development; relating to the promoting employment across Kansas act, three-year moratorium; amending K.S.A. 2016 Supp. 74-50,212 and 74-50,213 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:

Committee of the Whole: **HB 2387**.

Ethics, Elections and Local Government: **SB 229**.

Public Health and Welfare: **SB 228**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2162**, **HB 2168**, **HB 2228**.

In accordance with **HCR 5012**, the House announces the following escort appointments for the purpose of hearing a message on the State of the Judiciary:

To escort the Senate: Representatives Johnson, Waymaster and Terrel.

To escort the Supreme Court: Representatives Barker, Campbell and Hodge.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2162, **HB 2168**, **HB 2228** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Longbine, Denning, Estes, Hardy, Hawk, Masterson and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1724—

A RESOLUTION congratulating and commending the 2017 Kansas Master Teachers.

WHEREAS, Seven of Kansas' best teachers have been selected as Kansas Master Teachers for 2017. These seven outstanding educators will be honored on Wednesday, April 5, 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 2017 winners; and

WHEREAS, The 2017 Kansas Master Teachers are: Brandy Lane, a sixth grade teacher at Pauline South Intermediate School in Wakarusa; Kimberly Hett, a fifth grade teacher at Andover eCademy in Andover; Jennifer Hendrix, a physics teacher at Dodge City High School in Dodge City; Laura Schwinn, an A/V communications teacher at Emporia High School in Emporia; Joan Hayden, a physical education teacher at Fort

Riley Middle School in Fort Riley; Melinda Eitel, a kindergarten teacher at Grace E. Stewart Elementary School in Salina; and John Butcher, an art teacher at Blue Valley Northwest High School in Overland Park; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1953. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher Awards. In 1984, the Black family of Broken Arrow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester where they present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contributions of great teachers such as those being honored today. These 2017 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 2017 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.

In addition to the Master Teachers, other guests introduced were Ken Weaver, Brian Denton, Lucie Eusey and Allison Garrett.

Senators honored the teachers and guests with a standing ovation.

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

SENATE RESOLUTION No. 1725—

A RESOLUTION commending the faith leaders of Kansas
for their dedication and commitment to improving lives.

WHEREAS, There are hosts of faith leaders serving throughout Kansas; and
WHEREAS, They produce God-honoring and prosperous families that help nurture the hearts of future generations; and

WHEREAS, They preach and teach in ways that impact and enrich lives and lead many to live more fulfilling lives; and

WHEREAS, As shepherds, tasked with protecting their flocks, they correct wrongs, reflect justice and seek fairness in organizations, families and government; and

WHEREAS, They provide creative approaches to challenges, which result in better life practices; and

WHEREAS, They pioneer the creation of new programs, policies and services; and

WHEREAS, They help cultivate people's strengths and challenge them to step up and step out in their communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend our faith leaders for their dedicated service in villages, cities, counties and our state and their priceless commitment to improving lives. We thank God for each of them; and

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

On emergency motion of Senator Baumgardner **SR 1725** was adopted by voice vote.

Senators honored the pastors and spouses with a standing ovation.

COMMITTEE OF THE WHOLE

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

On motion of Senator V. Schmidt the following report was adopted:

SB 83, SB 174 be passed.

SB 94 be amended by the adoption of the committee amendments, be further amended by motion of Senator Billinger; on page 1, in line 20, by striking all before the second comma and inserting "June 30, 2017"; in line 21, by striking "January" and inserting "July", and **SB 94** be passed as further amended.

A motion by Senator Billinger to amend **SB 94** failed.

SB 55 be amended by the adoption of the committee amendments.

An amendment was offered by Senator Pettey. A ruling of the chair was requested as to the germaneness of the bill. The Subcommittee on Rules determined the amendment not germane.

A motion was made by Senator Hensley challenging the ruling of the Subcommittee on Rules. Upon a showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 24; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Goddard, Kerschen, Lynn, McGinn, Olson, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Fitzgerald, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Masterson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

The decision was overruled. The amendment became available for debate.

The motion by Senator Pettey to amend **SB 55** was withdrawn.

SB 55, SB 86, SB 107; HB 2192 be passed over and retain a place on the calendar.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By the Governor:

Brigadier General, Kansas National Guard: K.S.A. 48-208

Colonel John Rueger, serves at the pleasure of the Governor

Brigadier General, Kansas National Guard: K.S.A. 48-208

Colonel David Weishaar, serves at the pleasure of the Governor

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 16, 2017.

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 16, 2017, 2:30 p.m.

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

Gracious, compassionate Lord, in recognition of Your mercies that are new every day; once again, we stand grateful; grateful for another opportunity, that had not been promised to us, to exalt Your Holy Name.

It is amazing, that the Creator, the All Knowing, All Powerful, and altogether Holy Sustainer of righteousness, would look down upon us and smile.

We're in a world created by You and sustained by You, but in many areas wandering away from You. Even in our individual eyes, we must acknowledge that we often fail and fall far short of Your standards. Yet, You have put it in place, that the ills of our society are to be corrected, cured and healed through the humble, prayerful seeking of Your face and turning to Your ways, by Your people; 2 Chronicles 7:14.

As Your word says in 1 Peter 4:17, to amend attitudes and actions, the judgment needed must begin with Your people...those of us who are people of God and chosen to represent You. So Lord, let justice begin here, with us. Let love, equality and fair-mindedness begin here, in the hearts of Your servants.

And when folks do us, like they do You; when they hate on us, like they hate on You; when they don't show appreciation, or give thanks for our sacrifices, help us to respond to them in the same way You respond to us when we're messing up.

When we don't deserve it, You forgive us and love up on us. Help us to model that in all our interactions. Help us to be conduits connected to You, that from You and through us will flow help, healing and hope for the ills of our society. I pray You will bless, infuse and use every one of these servants. 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 232, AN ACT concerning the developmental disabilities reform act; relating to home and community based services; powers, duties and functions of the secretary for aging and disability services and the secretary of health and environment; amending K.S.A. 39-1801, 39-1802, 39-1805, 39-1806 and 39-1808 and K.S.A. 2016 Supp. 39-1803 and 39-1804 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 39-1811, by Committee on Ways and Means.

SB 233, AN ACT concerning education; relating to the financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the education finance act; amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3607, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001, 79-2925b and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 72-6482, 72-99a01, 72-99a02, 72-99a03, 72-99a04, 72-99a05, 72-99a06 and 72-99a07, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2162**, **HB 2228**.

Commerce: **SB 230**, **SB 231**; **HB 2168**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1726—

A RESOLUTION honoring the lives of Srinivas Kuchibhotla, Alok Madasani, Ian Grillot and Sam Goodrich for their unwavering love for the United States of America.

WHEREAS, The love for all people exhibited by Srinivas Kuchibhotla, Alok Madasani, Ian Grillot and Sam Goodrich, and their hope for peace, their courage to do right and their unrelenting passion for the American Dream, prevailed on February 22, 2017, against a notoriously evil deed; and

WHEREAS, The senseless taking of a good man's life, the wounding of two others and the egregious violation of peace and tranquility of a community was met with love, hope for peace, a desire to join together for healing and a renewed desire to fight for a better world; and

WHEREAS, The tragic taking of Srinivas Kuchibhotla's life, a Garmin aviation engineer from Telangana, India, from his loving wife, family and friends leaves a family, community and nation in anguish and mourning; and

WHEREAS, Despite the injuries inflicted upon Alok Madasani, Srinivas' friend and professional colleague, Alok called the shooting "an isolated incident that doesn't reflect the true spirit of Kansas, the Midwest and the United States"; and

WHEREAS, Olathe Mayor Mike Copeland declared that, "We will not let one act of evil separate us or divide us"; and

WHEREAS, The State of Kansas is grateful for the respect and appreciation these two men and the entire Indian-American community have shown by seizing the opportunity to contribute, enrich and thrive in the land and culture they now call home; and

WHEREAS, The Indian-American community these men represent has contributed to the local economy, student academic success, and has introduced to the City of Olathe the great game of cricket; and

WHEREAS, Every Kansan stands in awe of Ian Grillot, the 24-year-old Marine veteran, lover of outdoors, 2010 graduate of Olathe North High School, and a true hero, who, guided by his faith, faced gunfire to defend his fellow citizens from a treacherous and violent act of pure evil; and

WHEREAS, The members of the Kansas Senate call for all Kansans to offer prayer and support for the Kuchibhotla, Madasani and Grillot families for their loss and suffering; and

WHEREAS, We would be remiss to not mention Sam Goodrich, the Clinton, Missouri, Applebee's bartender, whose courage and presence of mind led to the quick resolution of one of the most evil and tragic episodes in Kansas history; and

WHEREAS, When pure evil attacked the peace of the people of the City of Olathe and all that is held sacred to its citizens, a Marine veteran risked his life to protect people from a senseless act of violence, a man cared for his critically injured friend, a bartender did the right thing and the law enforcement community acted quickly to do their jobs, demonstrating to all what the City of Olathe, the State of Kansas and the United States of America are all about: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor and revere the many impacted by this tragedy, extend our prayers and sympathies for their collective loss and commend their demonstration of courage, love and hope for peace during such a tumultuous time; and

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

On emergency motion of Senator Olson **SR 1726** was adopted by voice vote. Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1727—

A RESOLUTION honoring the life and public service of John William Crutcher.

WHEREAS, John William Crutcher, former Kansas Senator and Lieutenant Governor, passed away peacefully on March 12, 2017, at the age of 100, at his home in Jefferson, North Carolina, after a long life dedicated to public service; and

WHEREAS, Mr. Crutcher was born in Ensign, Kansas, on December 19, 1916. He graduated from Hutchinson Community College and the University of Kansas and lived in and near Hutchinson, Kansas, for almost 50 years; and

WHEREAS, Mr. Crutcher served as a Navy Officer in the Pacific Theater of World War II and in the Korean War, and he retired as a Captain in the United States Naval Reserve; and

WHEREAS, Mr. Crutcher served in the Kansas Senate from 1953-1957 and also served two terms as a Lieutenant Governor under both Republican Governor Bill Avery and Democratic Governor Robert Docking; and

WHEREAS, Following his time in state government, Mr. Crutcher held a multitude of positions in the federal government, including as an administrative assistant to United States Senator Bob Dole; an appointee to the Office of Economic Opportunity;

and Director of Outdoor Recreation for the Department of the Interior. Mr. Crutcher also was appointed by President Ronald Reagan to serve on the Postal Rate Commission, a position he held for 11 years; and

WHEREAS, John Crutcher befriended, mentored and enabled many Kansans, including Kansas State Senate colleague and former United States Ambassador George W. Haley and his wife Doris M. Haley and current Kansas State Senator David B. Haley and his sister, attorney Anne P. Haley (Brown); and

WHEREAS, Mr. Crutcher retired and left Washington D.C. to settle down with his wife, Edith, to whom he would be married for 45 years, in her home state of North Carolina, where he was laid to rest on March 16, 2017; and

WHEREAS, John William Crutcher was known as a world traveler, writer and lecturer on politics and culture and as a treasured public servant, both in the State of Kansas and the United States: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the life and public service of John William Crutcher and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator David Haley and to Mrs. Edith Crutcher.

On emergency motion of Senator Haley **SR 1727** was adopted by voice vote.

PERSONAL REMARKS

Mr. Vice President: I join the Kansas Senate in the unanimous voice vote affirming **SR 1727**; honoring the life and public service of John William Crutcher, which I am proud beyond words to have sponsored. Mr. Crutcher was known by me for as long as I can remember, and by my sister, Anne, simply as “Uncle John.” He became our family out of this very process when he, a Senator from Hutchinson, Kansas and later a twice elected Lt. Governor, also serving in those days as the President of the Kansas Senate, befriended (and, ostensibly “adopted”) my father, former Republican Kansas Senator (and later U.S. Ambassador) George W. Haley, representing Kansas City, Kansas and my mother, Doris M. Haley. On the wall outside of the Senate Chamber, you can yet see his smiling, most handsome face on the picture (4th from the right bottom corner) among the many faces of the many men who have served as Senate President whose deeds, good and bad...large and small, in most cases have long since been forgotten.

But today, the impact of this great true gentleman on my family’s lives and on the lives of so many Kansans is remembered as he is laid to rest in Jefferson, North Carolina and our thoughts and fond remembrances of shared joy go out to his wife, Edith (also known as “Aunt Edie”).

The relationships forged by members of these Legislatures are often inspirational and life-changing. John W. Crutcher’s example in leadership, and in nurturing, grips the marrow of the human spirit and endears the magnificence of Kansas core values to the eager often wearied world. I love this man, Mr. Vice President. In his time and in his space, with God’s grace...John William Crutcher (Uncle John) made a difference.—

DAVID HALEY

MESSAGES FROM THE GOVERNOR

March 14, 2017

Message from the Governor Regarding Compact with Tribal Nation:

In consultation with the Attorney General and the Department of Revenue, and pursuant to my authority under Article 1, Section 3 of the Constitution of the State of Kansas, I have entered into the following Compact:

- Compact Relating to Cigarette Sales, Taxation and Escrow Collection with the Sac and Fox Nation of Missouri in Kansas and Nebraska as of March 10, 2017.

I hereby give notice of this executive action and transmit the Compact to the Legislature for the required approval pursuant to applicable law.

SAM BROWNBACK
Governor

**COMPACT RELATING TO CIGARETTE SALES, TAXATION
AND ESCROW COLLECTION****Between****The Sac And Fox Nation Of Missouri In Kansas And Nebraska
and****The State Of Kansas**

This Compact Relating to Cigarette Sales, Taxation and Escrow Collection (“Compact”) is entered into between the Sac And Fox Nation Of Missouri In Kansas And Nebraska (“Tribe”) and the State of Kansas (“State”) and its agencies. The Tribe and the State are collectively referred to as the “Parties.” The Parties agree as follows:

WHEREAS, the Tribe is a federally-recognized tribe with certain sovereign powers of self-government;

WHEREAS, the State is a state within the United States of America possessed of full powers of state government;

WHEREAS, the Tribe is situated on and occupies a federally-established Indian Reservation situated, in part, in the northeastern part of Kansas;

WHEREAS, federal law recognizes that tribal jurisdiction exists on Qualified Tribal Lands regarding the rights of an Indian Tribe to pass its own laws and be governed by them, including the right to levy taxes and regulate commerce;

WHEREAS, it is in the best interests of both the State and the Tribe to prevent disputes between the Parties regarding possession, transport, distribution, and Sale of Cigarettes and other Tobacco Products, including but not limited to taxation and escrow collection, in the State of Kansas, on Compact Lands;

WHEREAS, on November 23, 1998, the State became party to the MSA;

WHEREAS, certain Tobacco Product Manufacturers, which are party to the MSA, are obligated, in return for a release of past, present and certain future claims against them

as described therein, to pay substantial sums to State (tied in part to their volume of Sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking;

WHEREAS, it would be contrary to the policy of State if Tobacco Product Manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that State will have an eventual source of recovery from them if they are proven to have acted culpably;

WHEREAS, the State entered into a Secondary Settlement Agreement with certain participating Tobacco Product Manufacturers in 2012 settling State's obligations under the MSA and disputes regarding certain payment adjustments under the MSA with respect to NPMs (as that term is defined below) for calendar years 2003-2012;

WHEREAS, as part of said Secondary Settlement Agreement, State has agreed to undertake certain diligent enforcement efforts of its Cigarette and other Tobacco Product laws and more specifically, its MSA laws on Qualified Tribal Lands within the borders of State;

WHEREAS, the Parties are of the opinion that cooperation between the Tribe and the State is mutually productive and beneficial;

WHEREAS, the State and the Tribe agree that it will serve the interests of both the State and the Tribe for the Tribe to be able to generate revenue for governmental purposes through the collection of certain Tribal taxes in accordance with this Compact and resolve their differences regarding the collection of escrow on certain Cigarettes Sold on Compact Lands;

WHEREAS, the Tribe has the authority pursuant to Article V of its Constitution to enter into agreements with the State and to enter into agreements for the economic benefit of the Tribe.

NOW THEREFORE, the State, as signed by the Governor and approved by the Kansas Legislature, and the Tribe, as approved by the Tribe's Tribal Council hereby enter into this Compact for the mutual benefit of the State and the Tribe, to-wit:

DEFINITIONS

“**Business Day**” shall mean any day that the governmental offices of the Tribe and State are open for business.

“**Carton**” shall mean a container of two hundred (200) Cigarettes, whether consisting of either eight or ten Packs.

“**Cigarette**” shall mean any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains:

- (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco;
- (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, Consumers as a Cigarette; or

- (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, Consumers as a Cigarette described in clause (1) above.

The term "Cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, Consumers as tobacco for making Cigarettes). For purposes of this definition, 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "Cigarette."

"**Compact**" shall mean this agreement;

"**Compact Lands**" shall mean:

- (1) Lands within the boundaries of the State of Kansas that are within the Tribe's Reservation as established in the treaty between the United States of America and the Tribe dated March 6, 1861 and ratified February 6, 1863; and
- (2) The following lands once the Secretary of the Department of Interior has fully acquired such land into trust for the beneficial use of the Tribe as authorized in accordance with Section 5 of the Indian Reorganization Act, 25 USC 465 and under 25 CFR § 151.10:
 - (A) That part of the Southwest Quarter lying east of the present U.S. Highway No. 75 in Section 15, Township 4, Range 15, Brown County, Kansas;
 - (B) All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 9 in the City of Reserve, Brown County, Kansas;
 - (C) A tract of land located in the West One-Half of the Southeast One-Quarter of Section 12, Township 1 South, Range 16 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the Center One-Quarter Corner of said Section 12, Thence N89°16'58"E and along the North line of said Southeast One-Quarter a distance of 1328.13 feet to the Northeast Corner of the West One-Half of said Southeast One-Quarter; Thence S00°13'17"E and along the East line of said West One-Half a distance of 1486.02 feet to the Northeasterly corner of US Highway 73 Right-of-Way as described in District Court Case 12794, Parcel 13; Thence Northwesterly and along the Northerly Right-of-Way of US Highway 73 the following three courses: 1. N56°10'27"W a distance of 801.62 feet; 2. N61°53'27"W a distance of 251.30 feet; 3. N56°02'27"W a distance of 535.70 feet to a point on the West line of said Southeast One-Quarter; Thence N00°10'27"W and along the West line of said Southeast One-Quarter a distance of 605.50 feet to the Point of Beginning, containing 31.83 acres. AND A tract of land located in the West One-Half of the Southeast One-Quarter of Section 12, Township 1 South, Range 16 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the South One-Quarter Corner of said Section 12, Thence N00°10'27"W and along the West line of said Southeast One-Quarter a distance of 1840.94 feet to the Southwesterly corner of US Highway 73 Right-of-Way as

described in District Court Case 12794, Parcel 13; Thence Southeasterly and along the Southerly Right-of-Way of US Highway 73 the following three courses: 1. S56°10'27"E a distance of 623.45 feet; 2. S50°14'51"E a distance of 352.14 feet; 3. S56°10'27"E a distance of 654.50 feet to a point on the East line of the West One-Half of said Southeast One-Quarter; Thence S00°13'17"E and along the East line of said West One-Half a distance of 887.43 feet to the Southeast Corner of said West One-Half of the Southeast One-Quarter; Thence S89°16'16"W and along the South line of said Southeast One-Quarter a distance of 1330.31 feet to the Point of Beginning, containing 41.63 acres. Said tracts containing a total of 73.46 acres;

- (D) A parcel of land located in the Southwest One-Quarter of Section 7, Township 1 South, Range 17 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the South One-Quarter Corner of said Section 7, Thence N89°38'42"W and along the South line of said Southwest One-Quarter a distance of 1563.87 feet to a point on the Easterly Right-of-Way of the Union Pacific Railroad; Thence Northerly and along the Easterly Right-of-Way of the Union Pacific Railroad the following three courses: 1. N06°27'57"W a distance of 1331.84 feet; 2. S89°39'01"E a distance of 50.36 feet; 3. N06°27'57"W a distance of 1331.82 feet to a point on the North line of said Southwest One-Quarter; Thence S89°39'20"E and along the North line of said Southwest One-Quarter a distance of 1798.84 feet; Thence S00°19'01"E a distance of 210.32 feet to a point on the centerline of Walnut Creek; Thence Southerly and along the centerline of Walnut Creek generally the following nine courses: 1. S16°39'07"W a distance of 74.67 feet; 2. S08°37'19"E a distance of 102.59 feet; 3. S71°28'24"W a distance of 85.07 feet; 4. S76°57'12"W a distance of 86.41 feet; 5. S17°24'59"W a distance of 85.60 feet; 6. S34°27'31"E a distance of 51.75 feet; 7. N65°20'21"E a distance of 49.67 feet; 8. N84°54'06"E a distance of 68.59 feet; 9. S57°01'48"E a distance of 66.38 feet to a point on the East line of said Southwest One-Quarter; Thence S00°19'01"E and along the East line of said Southwest One-Quarter a distance of 125.53 feet to a point on the centerline of Walnut Creek; Thence Southerly and along the centerline of Walnut Creek generally the following five courses: 1. S24°20'03"W a distance of 142.98 feet; 2. S06°00'48"E a distance of 114.90 feet; 3. S02°38'41"W a distance of 195.67 feet; 4. S13°43'53"E a distance of 133.11 feet; 5. S55°33'32"E a distance of 33.42 feet to a point on the East line of said Southwest One-Quarter; Thence S00°19'01"E a distance of 1368.10 feet to the Point of Beginning, containing 100.88 acres. AND A parcel of land located in the Southwest One-Quarter of Section 7, Township 1 South, Range 17 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Commencing at the Southwest Corner of said Section 7, Thence N00°16'06"W and along the West line of said Southwest One-Quarter a distance of 595.44 feet to the Point of Beginning, Thence N00°16'06"W and along the West line of said Southwest One-Quarter a

distance of 726.99 feet; Thence S89°39'01"E a distance of 562.67 feet to a point on the Westerly Right-of-Way of the Union Pacific Railroad; Thence S06°27'57"E and along the Westerly Right-of-Way of the Union Pacific Railroad Right-of-Way a distance of 1289.15 feet to a point on the Northerly Right-of-Way of US Highway 73 as described in District Court Case 12794, Parcel 9; Thence Northwesterly and along the Northerly Right-of-Way of US Highway 73 the following two courses: 1. N60°24'40"W a distance of 724.01 feet; 2. N13°59'07"W a distance of 173.61 feet; Thence N89°43'54"W a distance of 47.31 feet; Thence N00°16'06"W a distance of 75.00 feet; Thence S89°43'54"E a distance of 50.00 feet; Thence S00°16'06"E a distance of 63.99 feet; Thence N13°59'07"W and along the Northerly Right-of-Way of US Highway 73 a distance of 21.02 feet; Thence S89°45'14"W a distance of 25.02 feet to the Point of Beginning, containing 15.11 acres. Said tracts containing a total of 115.99 acres; and

- (E) A tract of land located in the South One-Half of Government Lot 1, Located in the Northwest One-Quarter of Section 15, Township 4 South, Range 15 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the West One-Quarter Corner of said Section 15, Thence N00°33'17"E and along the West line of said Lot 1 a distance of 1292.86 feet to a point 30.00 feet Southerly of the Northwest Corner of the South One-Half of said Lot 1; Thence S89°43'06"E parallel with and 30.00 feet Southerly of the North line of the South One-Half of said Lot 1 a distance of 320.22 feet to the Westerly Right-of-Way of US Highway 75; Thence Southerly and along the Westerly Right-of-Way of US Highway 75 the following five courses: 1. S00°40'04"W a distance of 554.21 feet; 2. S22°15'00"W a distance of 38.08 feet; 3. S00°40'04"W a distance of 30.00 feet; 4. S19°53'17"E a distance of 42.72 feet; 5. S00°40'04"W a distance of 633.40 feet to a point on the South line of said Government Lot 1; Thence N89°46'00"W and along the South line of said Lot 1 a distance of 317.80 feet to the Point of Beginning, containing 9.44 acres.

“**Compact Licensed Distributor**” shall mean any entity licensed under the Tribe’s law for distributing Cigarettes to Compact Licensed Retailers.

“**Compact Licensed Retailer**” shall mean any entity licensed under the Tribe’s law for the retail Sale of Cigarettes on Compact Lands.

“**Consumer**” shall mean the individual or entity purchasing or receiving Cigarettes or other Tobacco Products for final use.

“**Escrow Statutes**” shall mean Chapter 50, Article 6a of the Kansas Statutes Annotated.

“**Indian Tribe**” shall mean any Indian tribe, band, nation or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under the laws of the United States.

“**KDOR**” shall mean the Kansas Department of Revenue.

“**KSAG**” shall mean the Office of the Attorney General of the State of Kansas.

“**MSA**” shall mean the settlement agreement (and related documents) entered into on November 23, 1998 by the State and leading United States Tobacco Product Manufacturers; provided, however, that such term does not include the Secondary Settlement Agreement.

“**NPM**” shall have the meaning set forth for the term “Non-participating manufacturer” in K.S.A. § 50-6a07(g).

“**Pack**” shall mean one package of either twenty (20) or twenty-five (25) Cigarettes.

“**Parties**” or “**Party**” shall mean the State and the Tribe.

“**PM**” shall mean a “participating manufacturer” as that term is used in the Escrow Statutes.

“**Qualified Tribal Lands**” shall mean:

- (1) All land within the borders of the State that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of way running through such reservation;
- (2) all dependent Indian communities within the borders of the State;
- (3) all Indian allotments within the borders of the State, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and
- (4) any lands within the borders of the State, the title to which is either held in trust by the United States for the benefit of any Indian Tribe or individual, or held by any Indian Tribe or individual subject to restriction by the United States against alienation and over which an Indian Tribe exercises governmental power.

“**Sale**” (and any correlative term, such as “**Sell**,” “**Seller**,” or “**Sold**” shall have the correlative meaning) shall mean any sale, barter, trade, exchange, or other transfer of ownership for value of Cigarettes, no matter how characterized.

“**Secondary Settlement Agreement**” shall mean the 2003 NPM adjustment settlement agreement, which shall include the 2012 term sheet agreement, related to the MSA and to which State is a party.

“**State**” shall mean the State of Kansas, KDOR or KSAG used interchangeably.

“**Tribe**” or “**Tribal**” shall mean the Sac And Fox Nation Of Missouri In Kansas And Nebraska.

“**Tobacco Product Manufacturer**” shall mean an entity that after the Effective Date directly (and not exclusively through any affiliate):

- (1) manufactures Cigarettes anywhere that such manufacturer intends to be Sold in the United States, including Cigarettes intended to be Sold in the United States through an importer;
- (2) is the first purchaser anywhere for resale in the United States of Cigarettes manufactured anywhere that the manufacturer does not intend to be Sold in the United States; or
- (3) becomes a successor of an entity described in paragraph (1) or (2).

The term “Tobacco Product Manufacturer” shall not include an affiliate of a Tobacco Product Manufacturer unless such affiliate itself falls within any of paragraphs (1) through (3) above. Solely for purposes of this definition, the term “affiliate” shall mean a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of the preceding sentence, the terms “owns,” “is owned” and “ownership” mean ownership of any equity interest, or the equivalent thereof, of 10% or more, and the term “person” means an individual, partnership, committee, association, corporation or any other organization or group of persons.

“**Units Sold**” shall mean, with respect to a particular Tobacco Product Manufacturer for a particular year, the number of individual Cigarettes Sold in the State, including, without limitation, any Cigarettes Sold on any qualified tribal land within the State, by the applicable Tobacco Product Manufacturer, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, during the year in question, for which the State has the authority under federal law to impose excise or a similar tax or to collect escrow deposits, regardless of whether such taxes were imposed or collected by the State.

INTRODUCTION

1. The purpose of this Compact is to resolve disputes between the Parties regarding possession, transport, distribution, and Sale of Cigarettes, including but not limited to taxation and escrow collection, on the Qualified Tribal Lands of the Tribe. For the purposes of this Compact, only, and for no other purpose whatsoever, the State and the Tribe agree that the Tribe’s Treaties with the United States of America do not exempt, exclude or reserve the Tribe’s land from the boundaries of Kansas. For the purposes of this Compact only, and for no other purpose whatsoever, the Tribe’s Reservation and Qualified Tribal Lands are within the State of Kansas.
2. For purposes of this Compact, a Tribal-owned entity includes any entity wholly owned by the Tribe or any wholly-owned subsidiary of that entity. The Tribe shall provide the KSAG a list of all Tribal-owned entities relating in any way to manufacturing, handling, delivering, receiving, or Selling of Cigarettes on Compact Lands. The citation to any Kansas statute or regulation in this Compact refers to the version in effect on the date the Compact is executed by the Parties, unless the Parties specifically agree in writing to a modification of the Compact.

TERM

3. This Compact shall commence on July 1, 2017 (the “Effective Date”).
4. This Compact shall have a term of 10 years subject to automatic renewal absent a requested revision in writing by either Party or requested termination in writing by either Party with such notice occurring at least 60 days prior to the end of the term.
5. Either Party can revoke this Compact in writing at any time, provided the Parties have first attempted to resolve their differences. Before the revocation becomes effective, the revoking Party shall serve a written thirty (30) day notice of intent to revoke the Compact and thereafter schedule a meeting to discuss differences between the Parties with the option of continuing discussions beyond the thirty (30) days, upon joint written agreement of the Parties.

LICENSES

6. The Tribe will enact an ordinance or other statutory means for licensing Compact Licensed Distributors which will be authorized to purchase only:
 - (a) Unstamped Cigarettes from federally-licensed manufacturers or their federally-licensed direct importers, or
 - (b) Joint State-Tribal stamped Cigarettes from State stamping agents, licensed under K.S.A. § 79-3303.

Said Tribal license will authorize Compact Licensed Distributors to Sell Cigarettes only to Compact Licensed Retailers licensed under paragraph 7 below; retailers licensed by another tribe which has signed a Compact with the State; or retailers and distributors located in a State other than Kansas that are licensed by a federally-recognized Indian Tribe.

7. The Tribe will enact an ordinance or other statutory means to license retail Cigarette dealers in Compact Lands. The license will be required for the retail Sale of Cigarettes to Consumers in the Compact Lands. The license will permit Compact Licensed Retailers to only purchase, possess and Sell at retail:
 - (a) Cigarettes bearing a joint State-Tribal stamp, as set out in paragraphs 10-18 below, from the Compact Licensed Distributors, and
 - (b) Cigarettes bearing a State stamp from a State-licensed stamping agent.
8. The Tribe will inform the State in writing of the name and address of the licensees issued licenses pursuant to paragraphs 6 and 7 above. Any changes will be updated quarterly if necessary.

TAX

9. The Tribe will enact a Cigarette excise tax, which shall be applied equally to all Cigarettes Sold on the Tribe's Compact Lands regardless of manufacturer or brand, which shall be collected by the affixation of a joint State-Tribal tax stamp to each Pack of Cigarettes Sold on the Tribe's Compact Lands.
10. State and the Tribe agree that each Pack of Cigarettes that a Compact Licensed Retailer Sells on Compact Lands shall bear a joint State-Tribal tax stamp that will be designed jointly by the Tribe and State.
 - (a) Said stamp shall bear the name "S&F" and "KS" and a logo in a form and color mutually agreeable to both the Tribe and State;
 - (b) State shall cause said stamps to be produced at its sole expense;
 - (c) State shall provide said joint State-Tribal stamps to the Tribe who shall be responsible for providing said State-Tribal stamps to Compact Licensed Distributors which shall be affixed on all Cigarettes to be Sold by Compact Licensed Retailers on Compact Lands;
 - (d) Compact Licensed Distributors shall ship all Cigarettes bearing joint State-

Tribal stamps to the Tribe or to a Compact Licensed Retailer at the expense of the Tribe, the Compact Licensed Distributor, or Compact Licensed Retailer. In no circumstance shall the cost of such shipping be paid by State.

11. Only Compact Licensed Distributors can collect Tribal taxes on Cigarettes and affix the joint State-Tribal tax stamps, provided that nothing in this paragraph or Compact shall be construed to limit licensing authority of a Tribal tax commission, agency, or other Tribal tax administration authority.
12. No State Cigarette taxes shall be owed or collected on Cigarettes stamped with the joint State-Tribal tax stamp and Sold on the Tribe's Compact Lands.
13. All Cigarettes Sold by Compact Licensed Retailers on the Tribe's Compact Lands will bear the joint State-Tribal tax stamp.
14. The Tribe's Cigarette excise tax shall be at a minimum \$0.17 per Pack of Cigarettes Sold at retail on Compact Lands.
15. Packs of Cigarettes stamped with the joint State-Tribal tax stamp shall be treated by the State the same as though stamped with the State's tax stamp for purposes of transport and Consumer use in the State outside of the Tribe's Compact Lands and for purposes of possession, distribution, Sale and Consumer use within the Tribe's Compact Lands.
16. Compact Licensed Distributors shall be responsible for affixing the joint State-Tribal tax stamp and paying the tax to the Tribe.
17. The cost of the tax shall be included in all retail Sales of Cigarettes on Compact Lands.
18. The State shall provide to the Tribe joint State-Tribal tax stamps within fifteen (15) days after the date requested and in sufficient amounts to ensure that the Tribe, Compact Licensed Distributors and Compact Licensed Retailers can meet Consumer demand for the purchase of Cigarettes.

CIGARETTE SALES

19. The Tribe, Compact Licensed Distributors, and Compact Licensed Retailers will maintain records of all Cigarette Sales made within its jurisdiction sufficient to prove the number of such Sales within Compact Lands.
20. State licensed distributors can Sell unstamped PM brands to Compact Licensed Distributors for stamping with the joint State-Tribal tax stamp and distribution within the Compact Lands.
21. Compact Licensed Distributors shall Sell to Compact Licensed Retailers only Packs of Cigarettes with the joint State-Tribal tax stamp affixed.
22. Compact Licensed Retailers shall Sell only Packs of Cigarettes with the joint State-Tribal tax stamp affixed on Compact Lands.
23. Compact Licensed Distributors shall Sell to Compact Licensed Retailers only brands of Cigarettes that are in compliance with the Escrow Statutes and the

Kansas Fire Safety Standard and Firefighter Protection Act, K.S.A. § 31-601, *et seq.*, and listed as compliant brands in the Kansas directories of compliant manufacturers maintained by the KSAG pursuant to the Escrow Statutes.

24. Compact Licensed Retailers shall Sell on Compact Lands only brands of Cigarettes that are in compliance with the Escrow Statutes and the Kansas Fire Safety Standard and Firefighter Protection Act, K.S.A. § 31-601, *et seq.*, and listed as compliant brands in the Kansas directories of compliant manufacturers maintained by the KSAG pursuant to the Escrow Statutes.
25. Tobacco Product Manufacturers and first importers, as defined in the Escrow Statutes, shall be responsible for payment of escrow obligations to the State. Unless acting as a Tobacco Product Manufacturer or first importer, the Tribe is not taking on any obligation to deposit escrow nor is the Tribe required to otherwise satisfy any obligations under the Escrow Statutes unless specifically set forth herein.

PAYMENT TO TRIBE

26. The State acknowledges that the Tribe is incurring costs in its efforts to assist the State in ensuring compliance with State tobacco laws and the Secondary Settlement Agreement.
27. The State agrees to reimburse the Tribe for these costs in the amount of Seventy Thousand Dollars (\$70,000.00) for each quarter of the year, with payment to be made on the last day of the quarter (March 31, June 30, September 30, and December 31) during the initial five (5) year term of the Compact. For the following five (5) years during the remaining term of the Compact, the quarterly payment amount shall be increased fifteen percent (15%), as a one-time only increase, over the quarterly payment amount payable during the immediately prior five (5) year period.
28. As provided in Section VII of the Memorandum of Understanding for Voluntary Compliance for Cigarette Sales and Reporting (the “MOU”), entered into between the Tribe and the State, with an effective date of January 1, 2017, for its full compliance with the terms of such MOU, the State agrees to a one-time payment to the Tribe in the amount of \$35,000 to be paid on July 1, 2017.
29. As additional consideration to reimburse the Tribe for economic cost incurred by the tribe in assisting the State in its ongoing diligent enforcement efforts under the MSA and the Secondary Settlement Agreement, the following shall be exempt from tax imposed by the Kansas Retailers’ Sales Tax Act, K.S.A. 79-3601 *et seq.* and amendments thereto: all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased by the Tribe or a Tribal-owned entity, and used exclusively for Tribal purposes.

GENERAL

30. Compact Licensed Distributors shall provide to the Tribe monthly a brand-specific list showing totals of all Cigarettes delivered to the Tribe and Compact Licensed Retailers for Sale on Compact Lands with the joint State-Tribal tax stamps affixed. The Tribe shall provide to the KDOR monthly a brand-specific list showing totals

of all Cigarettes delivered to and Sold on the Tribe's Compact Lands with the joint State-Tribal tax stamp affixed, in a form and format agreed upon by the KDOR and the Tribe. This list for Sales during each calendar month shall be provided no later than 25 days after the end of the month. (For example, brands Sold during the month of January shall be listed and provided by February 25.)

31. The Parties agree that agents or employees of the Tribe and agents or employees of KSAG and/or KDOR will conduct joint inspections of Compact Licensed Retailers and Compact Licensed Distributors located on Compact Lands. In connection with any such joint inspection, the Tribe shall permit such agents or employees of the Tribe and agents or employees of KSAG and/or KDOR to review all documentation collected and maintained by the Tribe pursuant to this Compact.

The joint inspections shall be conducted using a method as agreed upon by the Parties, *provided, however*, such joint inspections shall not involve complete audits or complete inventories but shall be limited to random sample inspections of stock, tax indicia, and documentation on hand at the premises of a Compact Licensed Retailer or Compact Licensed Distributor, as applicable, for the purposes of verifying that all Cigarettes offered or intended for Sale by any Compact Licensed Retailer on Compact Lands (i) are solely brands of Tobacco Product Manufacturers meeting the requirements as provided in paragraphs 23 and 24, (ii) were acquired from a Compact Licensed Distributor, and (iii) bear indicia of payment of excise tax to the extent required in this Compact. In any event, such joint inspections shall not be disruptive of the business operations nor damage any inventory of any Compact Licensed Retailer or Compact Licensed Distributor.

32. The State reserves the right hereunder to initiate and participate in up to twelve (12) joint inspections described in paragraph 31 per calendar year, with a limit of up to two (2) such joint inspection per calendar month; *provided, however*, that joint inspections of any one or more separate premises on the same Business Day shall only constitute one "joint inspection" for purposes of the preceding limitations; *provided, further*, that if the State and Tribe inspection team notes any violations of this Compact by one or more Compact Licensed Retailers or Compact Licensed Distributors during any such joint inspection, the State may initiate, by giving notice in accordance with paragraph 33, one follow-up joint inspection with the Tribe of all premises involved in such violations on a subsequent Business Day following the earlier of notice of completed cure related to such violations, with such follow-up joint inspection not counting against the monthly or annual limits set forth in this sentence.
33. The Tribe shall make its personnel available for joint inspections permitted hereunder on a Business Day between the hours of 9:00 a.m. and 4:30 p.m. upon prior email notice to the Tribe transmitted by a representative of the State by 10:00 a.m. one Business Day prior to the requested inspection. State representatives and Tribal representatives shall coordinate the details of the joint inspection by 3:00 p.m. on the day of such email notice. Any email notice provided to the Tribe pursuant to this section shall be given at tribaltax@sacandfoxcasino.com or by written notice.
34. Any Packs of Cigarettes found for Sale at a Compact Licensed Retailer during a

permitted joint inspection that are not brands of Tobacco Product Manufacturers meeting the requirements as provided in paragraphs 23 and 24 or that do not bear indicia of payment of excise tax as required in this Compact shall be removed by the Tribe until the matter is resolved.

35. Tribe and State shall select a third party auditor (the “Auditor”) for purposes of verifying compliance with this Compact. For purposes of verifying compliance with this Compact, the parties agree to jointly retain said Auditor and shall each bear fifty percent (50%) of the costs of the auditing services. The Auditor must possess a valid Kansas Permit to Practice issued by the Kansas Board of Accountancy. The Tribe and State shall be entitled to freely communicate with the Auditor. The Auditor will review records on an annual calendar year basis and issue an annual report and certification as provided herein.
 - (a) Audit Protocol. To verify compliance with this Compact, the Auditor must adhere to the following protocol:
 - (b) Period Under Review. The Auditor must review records for the calendar year under audit and may review records for earlier years that are after the Effective Date but only as necessary for an internal reconciliation of the relevant books. Subject to the foregoing, records relating to any period before the Effective Date are not open to review. In situations where the Auditor is responsible for verifying records on less than an annual basis, the period under review shall not include years previously reviewed by the Auditor, except when a violation is alleged to have occurred during the period previously reviewed.
 - (c) Records to be Examined. The Auditor must review records and invoices of stamp purchases, records and invoices of Sales of joint State-Tribal stamped Cigarettes, joint State-Tribal stamp inventory, the joint State-Tribal stamping process, products sold, product inventory records, and such additional records as are necessary to verify (1) the Units Sold (2) the retail selling price, including application of Tribal sales and excise taxes, and (3) procedures demonstrating the Tribe’s compliance with this Compact, all with respect to Sales of Cigarettes on Compact Lands by the Tribe. In all situations, the Auditor is not responsible for examining, and shall not examine, records that do not relate to the stamping, Selling, or taxing activities of the Tribe on Compact Lands.
 - (d) Audit Report and Certification. After each annual audit, the Auditor shall issue an audit report and a certification, as further described below, with respect to compliance with this Compact. The annual audit report shall set forth the total Units Sold attributable to each Tobacco Product Manufacturer by the Tribe during the relevant period. The annual audit report shall also include a certified statement of the Auditor to the KSAG that the Auditor finds the Tribe to be in compliance with this Compact or else that the Tribe is in compliance except for specifically listed items that are explained in the annual report.
 - (e) Audit Schedule. Audit reviews shall take place following each calendar

year (or portion thereof) during the term of this Compact, with an audit report submitted no later than April 1 following such calendar year.

- (f) Joint Audit Implementation and Review. The Tribe and the State shall meet jointly with the Auditor prior to the beginning of each annual audit. The purpose of such meeting will be to discuss the objectives of the upcoming audit, the expectations of the Tribe and of the State, the standards to be used in such audit, and any issues regarding conduct of the audit, records pertinent to the audit or the contents of the Auditor's report. The Tribe and State agree that the report will audit the processes, controls and the supporting documentation of the Tribe's purchases and Sales of Cigarettes and tobacco products on Compact Lands using both Generally Accepted Auditing Standards and Generally Accepted Accounting Principles. Subsequent meetings before and during the audit may be held as required. As soon as practicable after the issuance of the Auditor's report and certification, the Tribe and the State may meet jointly with the Auditor as often as required to review the audit report and discuss any issue of concern. In the event that either the Tribe or the State disagrees with the Auditor's report or certification, or any audit finding contained therein, either Party may notify the other of the disagreement and follow the procedures for resolution of the disagreement in Article III, Paragraph 1 of this Compact.
36. All information, including but not limited to, any lists showing total Sales of Cigarettes in paragraphs 30 and 31, provided to the State shall be held in confidence and only shared with other states, agencies, or other third parties (to which the State has a legal obligation to share such information), solely for enforcement purposes or for establishing the State's compliance with the MSA, Secondary Settlement Agreement and Escrow Statutes. The State agrees to provide notice to the Tribe ten (10) days prior to the release of such information to any of the Parties listed in this paragraph. The State may not share this information with any other person without written consent from the Compact Licensed Distributor that provided the information. Such information shall further be specifically exempt from disclosure under the Kansas Open Records Act (K.S.A. 45-215 *et seq.*).
37. During the Term of this Compact, State may enter into and be party to one or more compacts or other agreements regarding possession, transport, distribution, or Sale of Cigarettes or other Tobacco Products, including but not limited to taxation and escrow collection, with the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas or the Prairie Band Potawatomi Nation but State shall not enter into or be party to any such compact or agreement with any Indian Tribe other than the foregoing. The State agrees that Tribe may propose an amendment to this Compact by written notice to the State based on any provision of a compact which State may enter into with one or more of the foregoing Indian tribes which Tribe desires to include as a provision in this Compact. Any amendment proposed pursuant to this section will be subject to approval of the Kansas Legislature and the Tribe's Tribal Council.

38. The reference to and citation of State statutes and laws in this Compact shall be for reference only for the convenience of the Parties and considered nothing more than contractual terms and obligations. While the Tribe agrees to comply with all contractual obligations set forth in this Compact, no reference to or incorporation of laws, rules, or regulations in this Compact shall be construed as a waiver or cession of any sovereign authority or immunity of the Tribe or an agreement by the Tribe to be subject to such laws, rules or regulations within Indian Country except to the extent agreed to herein.
39. Notwithstanding any provision of this Compact to the contrary, the possession, gift, or use within the Tribe's Compact Lands of noncommercial privately produced tobacco for religious or ceremonial use shall be exempt from taxation by the State and may be exempt from taxation by the Tribe. Such tobacco shall be deemed not to be a common nuisance or contraband pursuant to State law or process, in each case on grounds of non-payment of any State tax. For the purposes of this section, "tobacco" shall mean any plant, including parts or products thereof, within the genus *Nicotania* and which does not constitute a "controlled substance" within the meaning of 21 U.S.C. 802(6).
40. All notices under this Compact shall be in writing and sent by way of certified U.S. mail to the following officials or their successors in office:

To the Tribe:

Chairperson and Tribal Council
Sac and Fox Nation of Missouri in Kansas and Nebraska
305 North Main Street
Reserve, KS 66434

To the State:

To the Governor:

Office of the Governor
300 SW 10th Ave., Ste. 241S
Topeka, KS 66612-1590

To the Attorney General:

Office of the Kansas Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612-1597

To the Kansas Department of Revenue

Secretary of Revenue
915 SW Harrison Street, Second Floor
Topeka, KS. 66612-1588

The Parties agree to provide written notice within thirty (30) days of any change to the above addresses.

IN WITNESS WHEREOF, the parties hereto have executed this Compact as of the date first above written.

Sac and Fox Nation of Missouri in
Kansas and Nebraska

The State of Kansas

By: _____ By: _____
Edmore Green Sam Brownback
Chairman of the Tribal Council Governor

MESSAGE FROM THE HOUSE

Announcing passage of **SB 32**, as amended; **SB 42**, as amended by **H Sub SB 42**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 83, AN ACT concerning the Kansas propane safety and licensing act; amending K.S.A. 55-1807 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 94, AN ACT concerning health maintenance organizations; relating to privilege fees; rate; disposition of moneys; extending the medical assistance fee fund; amending K.S.A. 2016 Supp. 40-3213 and 40-3236 and repealing the existing sections, 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: Berger, Billinger, Bollier, Bowers, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Denning, Fitzgerald, Haley, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The bill passed, as amended.

SB 174, AN ACT concerning higher education; authorizing the affiliation of Wichita area technical college with Wichita state university; amending K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-4470a and repealing the existing sections, was considered on final action.

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

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

Taylor, Tyson, Wagle, Wilborn.

The bill passed.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

HB 2192 be passed.

HB 2387 be amended by motion of Senator Kerschen, on page 1, in line 11, by striking "construct,"; in line 18, by striking "but prior to the effective date of this act"; in line 27, by striking "constructing,"; in line 28, after "property" by inserting a comma; in line 29, by striking "construction,"; in line 32, by striking the comma and inserting "and lease"; in line 33, by striking all before "such" and **HB 2387** be passed as amended.

SB 96, SB 117, SB 130, SB 137, SB 184, be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 55, (adoption of the committee amendments, see Senate Journal March, 15, 2017, page 249) and the bill be passed as amended.

A motion by Senator Pettey to amend **SB 55** failed and the following amendment was rejected.; on page 1, in line 5, before "Section" by inserting "New";

On page 2, following line 3, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 12-16,131 is hereby amended to read as follows: 12-16,131. (a) Except as provided in K.S.A. 16-1903(i), and amendments thereto, no city, county or local government unit shall enact or administer any ordinance, resolution or law that requires, nor shall any city, county or local government discriminate against, favor, prefer or base any ordinance, law, policy, economic development program, agreement, grant or incentive on, an employer providing or not providing:

(1) Any leave from work, either with or without pay, unless such leave is required by state or federal law;

(2) compensation for any leave from work, unless payment of compensation for such leave is required by state or federal law;

(3) compensation or wages at any rate higher than the minimum wage, unless the payment of higher compensation or wages is required by state or federal law; or

(4) any employee benefit other than those required by state or federal law.

(b) Subsection (a) shall only apply to wages, compensation or benefits, or any combination thereof, paid or provided by a construction contractor or subcontractor performing construction or infrastructure work on a real estate construction or infrastructure project.

Sec. 3. K.S.A. 16-1903 is hereby amended to read as follows: 16-1903. (a) Subject to the provisions of subsections (b), (c), (d), (e), (f), (g), (h) and K.S.A. 16-1904 and 16-1905, and amendments thereto, all owners, contractors and subcontractors, who enter into a contract for public construction after the effective date of this act, shall make all payments pursuant to the terms of the contract.

(b) The following provisions in a contract for public construction shall be against public policy and shall be void and unenforceable:

(1) A provision that purports to waive, release or extinguish the right to resolve disputes through litigation in court or substantive or procedural rights in connection with such litigation except that a contract may require nonbinding alternative dispute resolution as a prerequisite to litigation;

(2) a provision that purports to waive, release or extinguish rights to file a claim against a payment or performance bond, except that a contract may require a contractor or subcontractor to provide a waiver or release of such rights as a condition for payment, but only to the extent of the amount of payment received; and

(3) a provision that purports to waive, release or extinguish rights of subrogation for losses or claims covered or paid by liability or workers compensation insurance except that a contract may require waiver of subrogation for losses or claims paid by a consolidated or wrap-up insurance program, owners and contractors protective liability insurance, or project management protective liability insurance or a builder's risk policy.

(c) All contracts for public construction shall provide that payment of amounts due a contractor from an owner, except retainage, shall be made within 30 days after the owner receives a timely, properly completed, undisputed request for payment according to terms of the contract, unless extenuating circumstances exist which would preclude approval of payment within 30 days. If such extenuating circumstances exist, then payment shall be made within 45 days after the owner receives such payment request.

(d) The architect or engineer of record or agent of the owner shall review, approve and forward undisputed requests for payment to the owner within seven business days of receipt from the contractor.

(e) If the owner fails to pay a contractor within the time period set forth in subsection (c), the owner shall pay interest computed at the rate of 18% per annum on the undisputed amount to the contractor beginning on the day following the end of the time period set forth in subsection (d).

(f) A contractor shall pay its subcontractors any amounts due within seven business days of receipt of payment from the owner, including payment of retainage, if retainage is released by the owner, if the subcontractor has provided a timely, properly completed and undisputed request for payment to the contractor.

(g) If the contractor fails to pay a subcontractor within seven business days, the contractor shall pay interest to the subcontractor beginning on the eighth business day after receipt of payment by the contractor, computed at the rate of 18% per annum on the undisputed amount.

(h) The provisions of subsection (g) shall also apply to all payments from subcontractors to their subcontractors.

(i) The following provisions required in a contract for public construction by the unified government of Wyandotte county, or enacted or administered by ordinance, resolution or law by the unified government of Wyandotte county and applicable only to contracts for construction or infrastructure work, shall not be against public policy and shall be valid and enforceable. Any requirement or preference for a construction contractor or subcontractor providing or not providing:

(1) Any leave from work, either with or without pay;

(2) compensation for any leave from work;

(3) compensation or wages at any rate higher than the minimum wage; or
(4) any employee benefit other than those required by state or federal law.

Sec. 4. K.S.A. 16-1903 and K.S.A. 2016 Supp. 12-16,131 are hereby repealed.";
 And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "certain wage, compensation or benefit requirements;"; also in line 2, after "act" by inserting "; amending K.S.A. 16-1903 and K.S.A. 2016 Supp. 12-16,131 and repealing the existing sections"

Upon a showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 27; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Givens, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey, Rogers, Skubal.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Pilcher-Cook, Pyle, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The amendment was rejected.

SB 70, be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Hensley to amend **SB 70** failed and the following amendment was rejected; on page 3, following line 14, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such public bodies or agencies shall be by secret ballot. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body or agency designated in subsection (a) shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body or agency may require that a request to receive notice must be submitted again to the public body or agency prior to the commencement of any subsequent fiscal year of the public body or agency during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body or agency must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting mentioned by subsection (a), any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of the state of Kansas, interactive communications in a series shall be open if they collectively involve a majority of the membership of the public body or agency, share a common topic of discussion concerning the business or affairs of the public body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the public body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives, except that no rule of the Kansas senate or house of representatives shall allow for the closing of caucus meetings.;

Also on page 3, in line 15, after "Supp." by inserting "75-4318 and"; also in line 15, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "meetings" by inserting ", caucus meetings"; also in line 2, after "Supp." by inserting "75-4318 and"; in line 3, by striking "section" and inserting "sections"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 28; Present and Passing 3; Absent or Not Voting 0.

Yeas: Bollier, Doll, Faust-Goudeau, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

Nays: Alley, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner, Francisco, Haley.

The amendment was rejected.

EXPLANATION OF VOTE

Mr. Vice President: I certainly stand in support of open, public meetings and

protecting the role of the fourth estate in assuring a well-informed public. Out of principal, however, I vote pass.—MOLLY BAUMGARDNER

Senators Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **SB 70**.

The committee report on **Sub HB 2052** recommending **S Sub Sub HB 2052** be adopted, **S Sub Sub HB 2052** be amended by motion of Senator McGinn; on page 8, following line 15, by inserting:

"KPERS – employer contributions (652-00-1000-0100)\$218,017"

S Sub Sub HB 2052 be further amended by motion of Senator McGinn; on page 16, by striking all in lines 16 through 43;

By striking all on page 17;

On page 18, by striking all in lines 1 through 3;

And by renumbering sections accordingly

S Sub Sub HB 2052 be further amended by motion of Senator McGinn; on page 7, following line 40, by inserting:

"(i) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2017 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services from such moneys appropriated in fiscal year 2017 in an amount not less than \$2,000,000 for the purpose of opening and operating 20 additional beds at the Osawatomie state hospital: *Provided*, That if the secretary is unable to open and operate such additional beds, the secretary shall expend such funds to enter into an agreement for such additional bed space at a third-party facility.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2017 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services from such moneys appropriated in fiscal year 2017 in an amount not less than \$1,000,000 for the purpose of entering into an agreement with community providers for targeted mental health residential treatment." and **S Sub Sub HB 2052** be passed as amended.

A motion by Senator Wagle to amend **S Sub Sub HB 2052** failed and the following amendment was rejected; on page 18, following line 3, by inserting:

"Sec. 41. (a) Except as provided in subsection (d), on the effective date of this act, of each amount appropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 2% of such appropriation that is not exempt is hereby lapsed.

(b) Except as provided in subsection (d), on the effective date of this act, of each amount reappropriated for a state agency for the fiscal year ending June 30, 2017, by

chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 2% of such reappropriation that is not exempt is hereby lapsed.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for debt service for payments made pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection. At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(d) Agencies affected by this section may, by written request addressed to the governor within 10 days after the effective date of this act, ask the governor to not impose the lapses provided by subsections (a) and (b) because such lapse would result in an undue hardship on the financial resources of the agency. The governor shall hear appeals and render a decision within 10 days after the governor receives requests for such review. If the governor determines such lapse would impose an undue hardship, the governor may reduce such lapse. However, if the governor reduces such lapse, the governor shall increase the lapse to another item of appropriation or reappropriation from the state general fund for fiscal year 2017 in an amount equal to the reduced lapse. Any changes made pursuant to this subsection shall be delivered to the director of legislative research upon approval by the governor.

(e) During fiscal year 2017, no school district shall reduce any expenditure in the classroom or for instruction during school year 2016-2017 due to any adjustment and reduction in funding from any account of the state general fund made pursuant to this section. As used in this subsection, "instruction" means the same as defined in K.S.A. 2016 Supp. 72-64c01, and amendments thereto.

Sec. 42. K.S.A. 2016 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in

substantially the following form, including the purposes listed in subsection (c) if applicable :

Unified School District No. _____,
_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed _____ years in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____,

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the word "mills" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has

been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

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

(c) For school years 2017-2018 and 2018-2019, the board of education of any school district may include in the resolution the following purposes: Utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

Sec. 43. K.S.A. 2016 Supp. 72-8804 is hereby amended to read as follows: 72-8804. (a) Except as provided further, any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and, for school years 2015-2016 and 2016-2017, subject to the provisions of K.S.A. 2016 Supp. 72-6478, and amendments thereto, may be transferred to the general fund of the school district as approved by the board of education. For school years 2017-2018 and 2018-2019, in addition to the aforementioned purposes, moneys in the capital outlay fund of any school district may be used for the purposes of utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt

thereof be credited to the capital outlay fund.";

On page 33, in line 35, after "Supp." by inserting "72-8801, 72-8804,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "Supp." by inserting "72-8801, 72-8804,".

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 7; Nays 33; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Fitzgerald, Lynn, Olson, Pyle, Tyson, Wagle.

Nays: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

The amendment was rejected.

A motion by Senator Pyle to amend **S Sub Sub HB 2052** failed and the following amendment was rejected; on page 18, following line 3, by inserting:

"Sec. 41. (a) Except as provided in subsection (d), on the effective date of this act, of each amount appropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 1% of such appropriation that is not exempt is hereby lapsed.

(b) Except as provided in subsection (d), on the effective date of this act, of each amount reappropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 1% of such reappropriation that is not exempt is hereby lapsed.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for debt service for payments made pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection. At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(d) Agencies affected by this section may, by written request addressed to the governor within 10 days after the effective date of this act, ask the governor to not

impose the lapses provided by subsections (a) and (b) because such lapse would result in an undue hardship on the financial resources of the agency. The governor shall hear appeals and render a decision within 10 days after the governor receives requests for such review. If the governor determines such lapse would impose an undue hardship, the governor may reduce such lapse. However, if the governor reduces such lapse, the governor shall increase the lapse to another item of appropriation or reappropriation from the state general fund for fiscal year 2017 in an amount equal to the reduced lapse. Any changes made pursuant to this subsection shall be delivered to the director of legislative research upon approval by the governor.

(e) During fiscal year 2017, no school district shall reduce any expenditure in the classroom or for instruction during school year 2016-2017 due to any adjustment and reduction in funding from any account of the state general fund made pursuant to this section. As used in this subsection, "instruction" means the same as defined in K.S.A. 2016 Supp. 72-64c01, and amendments thereto.

Sec. 42. K.S.A. 2016 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in substantially the following form, including the purposes listed in subsection (c) if applicable:

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed _____ years in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as

is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, _____.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the word "mills" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

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

(c) For school years 2017-2018 and 2018-2019, the board of education of any school district may include in the resolution the following purposes: Utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

Sec. 43. K.S.A. 2016 Supp. 72-8804 is hereby amended to read as follows: 72-8804. (a) Except as provided further, any moneys in the capital outlay fund of any

school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and, for school years 2015-2016 and 2016-2017, subject to the provisions of K.S.A. 2016 Supp. 72-6478, and amendments thereto, may be transferred to the general fund of the school district as approved by the board of education. For school years 2017-2018 and 2018-2019, in addition to the aforementioned purposes, moneys in the capital outlay fund of any school district may be used for the purposes of utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.";

On page 33, in line 35, after "Supp." by inserting "72-8801, 72-8804,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "Supp." by inserting "72-8801, 72-8804,"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 10; Nays 30; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Fitzgerald, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle.

Nays: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

The amendment was rejected.

A motion by Senator Pyle to amend **S Sub Sub HB 2052** failed and the following amendment was rejected; on page 18, following line 3, by inserting:

"Sec. 41. (a) Except as provided in subsection (d), on the effective date of this act, of each amount appropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 0.5% of such appropriation that is not exempt is hereby lapsed.

(b) Except as provided in subsection (d), on the effective date of this act, of each amount reappropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111

of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 0.5% of such reappropriation that is not exempt is hereby lapsed.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for debt service for payments made pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection. At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(d) Agencies affected by this section may, by written request addressed to the governor within 10 days after the effective date of this act, ask the governor to not impose the lapses provided by subsections (a) and (b) because such lapse would result in an undue hardship on the financial resources of the agency. The governor shall hear appeals and render a decision within 10 days after the governor receives requests for such review. If the governor determines such lapse would impose an undue hardship, the governor may reduce such lapse. However, if the governor reduces such lapse, the governor shall increase the lapse to another item of appropriation or reappropriation from the state general fund for fiscal year 2017 in an amount equal to the reduced lapse. Any changes made pursuant to this subsection shall be delivered to the director of legislative research upon approval by the governor.

(e) During fiscal year 2017, no school district shall reduce any expenditure in the classroom or for instruction during school year 2016-2017 due to any adjustment and reduction in funding from any account of the state general fund made pursuant to this section. As used in this subsection, "instruction" means the same as defined in K.S.A. 2016 Supp. 72-64c01, and amendments thereto.

Sec. 42. K.S.A. 2016 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in substantially the following form, including the purposes listed in subsection (c) if applicable:

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed _____ years in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, _____.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the word "mills" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election

prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

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

(c) For school years 2017-2018 and 2018-2019, the board of education of any school district may include in the resolution the following purposes: Utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

Sec. 43. K.S.A. 2016 Supp. 72-8804 is hereby amended to read as follows: 72-8804. (a) Except as provided further, any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and, for school years 2015-2016 and 2016-2017, subject to the provisions of K.S.A. 2016 Supp. 72-6478, and amendments thereto, may be transferred to the general fund of the school district as approved by the board of education. For school years 2017-2018 and 2018-2019, in addition to the aforementioned purposes, moneys in the capital outlay fund of any school district may be used for the purposes of utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.";

On page 33, in line 35, after "Supp." by inserting "72-8801, 72-8804,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "Supp." by inserting "72-8801, 72-8804,"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 6; Nays 34; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Olson, Pilcher-Cook, Pyle, Tyson, Wagle.

Nays: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

The amendment was rejected.

The committee report on **Sub SB 95** recommending **Sub Sub SB 95** be adopted, and the substitute bill be passed.

The committee report on **SB 85** recommending **Sub SB 85** be adopted, and the substitute bill be passed.

A motion by Senator Bollier to amend **Sub SB 85** failed.

FINAL ACTION ON CONSENT CALENDAR

HB 2109 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2109, AN ACT concerning the disposition of state real property; authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Riley county; authorizing the state board of regents on behalf of Wichita state university to exchange and convey certain real property in Sedgwick county.

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

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

The bill passed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 42** and requested a conference committee be appointed.

The Vice President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

Senator V. Schmidt moved the Senate concur in House amendments to **SB 32**.

SB 32, AN ACT relating to mental health care; medical student and resident loan assistance; medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; establishing the psychiatry medical loan repayment fund and the rural health bridging psychiatry fund; concerning mental healthcare facilities; amending K.S.A. 76-387 and 76-12a07 and K.S.A. 2016 Supp. 75-3373, 76-381, 76-382, 76-383, 76-384 and 76-385 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle.

The Senate concurred.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 55**, **SB 70**; **Sub SB 85**; **Sub Sub SB 95**; **SB 96**, **SB 117**, **SB 130**, **SB 137**, **SB 184**; **S Sub Sub HB 2052**; **HB 2192**, **HB 2387** were advanced to Final Action and roll call.

SB 55, AN ACT concerning public construction contracts; relating to performance and payment bonds; Kansas fairness in public construction contract act.

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

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

Nays: Pettey.

The bill passed, as amended.

SB 70, AN ACT concerning open meetings; relating to justifications for closed or executive meetings; amending K.S.A. 2016 Supp. 75-4319 and repealing the existing section.

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

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

Nays: Givens.

The bill passed, as amended.

Sub SB 85, AN ACT concerning healthcare; relating to withholding cardio-pulmonary resuscitation from unemancipated minors; information requirements; refusal of consent, exceptions; dispute resolution.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Haley, Hardy, Hensley, Holland, Kelly, Pettey, Rogers, Sykes.
 Present and Passing: Francisco, Hawk.
 The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: **Sub SB 85** (Simon's Law), addresses a situation that as a mother, I cannot imagine. While I do think we need to address the situation this bill highlights, I have some concerns. The bill appropriately ensures that information is provided to all involved upon the institution of a do-not-resuscitate order. No family should learn of DNR orders after the fact; this disrespects the humanity of the child and the parent(s). Section 1(c) raises some concerns. Healthcare decision-making should be collaborative with opportunities for providers and others to honestly present information followed by an ongoing discussion of how to proceed with care. The standard medical education paradigm, as I understand it, teaches that the goal of end-of-life care is a shared decision-making process where the priorities of the patient and family, as well as, the clinical decision-making of the physician are aligned. The proposed legislation does not encourage that process. The implication is that physicians routinely act with malicious intent prioritizing their expectation for a clinical outcome over the desires of the family or guardian. I cannot support this legislation as it stands today and believe there may be unintended consequences that further complicate already difficult situations rather than simplifying them.—DINAH SYKES

Senators Bollier, Haley, Hardy, Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **Sub SB 85**.

Sub Sub SB 95, AN ACT authorizing telephonic signatures for public assistance applications; relating to powers, duties and functions of the Kansas department for children and families.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Faust-Goudeau, Fitzgerald, Masterson, Pilcher-Cook, Pyle, Suellentrop, Tyson.
 The substitute bill passed.

SB 96, AN ACT concerning cigarettes and tobacco products; relating to the cigarette and tobacco products act; definitions, licenses and permits, suspension or revocation licenses, stamps, records required of dealers, unlawful acts, penalties, sale of cigarettes, application of certain laws to taxes, remittance of taxes and escrow deposits; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3326 and 79-3378 and K.S.A. 2016 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392 and 79-3393 and repealing the existing sections.

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

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

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 117, AN ACT concerning agriculture; relating to noxious weeds; declaration by county commissioners; amending K.S.A. 2-1314b and repealing the existing section.

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

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

The bill passed, as amended.

SB 130, AN ACT concerning the cigarette and tobacco products act; relating to consumable material; amending K.S.A. 2016 Supp. 79-3302 and 79-3399 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 137, AN ACT concerning retirements and pensions; relating to the Kansas police and firemen's retirement system; providing certain death benefits to surviving spouses; amending K.S.A. 74-4959 and repealing the existing section.

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

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

The bill passed, as amended.

SB 184, AN ACT establishing the Kansas intelligence fusion center act.

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

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

The bill passed, as amended.

S Sub Sub HB 2052, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, June 30, 2024, and June 30, 2025, 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. 2016 Supp. 74-4920, 75-2263, 75-2319, 75-4209 and 75-6706 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

HB 2192, AN ACT renaming Lake Scott state park; amending K.S.A. 2016 Supp. 32-837 and repealing the existing section.

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

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

The bill passed.

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

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

HB 2387, AN ACT concerning sales and compensating use tax; exemption for repairing, rebuilding or replacing certain property destroyed by wildfires; amending K.S.A. 2016 Supp. 79-3606d and repealing the existing section.

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

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

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2312** be passed.

Committee on **Federal and State Affairs** recommends **HB 2140** be amended on page 3, in line 34, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 23** be passed.

Committee on **Transportation** recommends **HB 2170** be amended on page 1, in line 12, by striking "or"; in line 14, before the period by inserting "; or (3) the operator of such bicycle shall be wearing clothing that emits light that shall be visible at a distance of 500 feet to the rear"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1721, SR 1722, SR 1724, SR 1725 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 16, 2017.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 17, 2017.

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 17, 2017, 8:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 35 senators present.
Senators LaTurner, Masterson, Olson, Pyle and Wagle were excused.
Invocation by Reverend Cecil T. Washington:

Thank You, Lord, for bringing us through another week. Many are wearing green or shamrocks today, in honor of Saint Patrick's Day. Please grace all the celebrations with Your protection.

In addition, Lord, many are caught up in March Madness. Please, likewise, grace all involved with Your protection.

Also, Lord, give protection and traveling grace to all the members of this legislative family.

Finally, help everyone under this dome, to get revitalized over this weekend, and help them to know that their work is appreciated.

In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

SPECIAL PRESENTATION

To commemorate Saint Patrick's Day, Vice President Longbine introduced former Senator Richard Gannon who played traditional Celtic music on the bagpipes. Senator Gannon served in the Senate from 1977 to 1988.

Senators honored Senator Gannon with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Senate Select Committee on Education Finance: **SB 233**.

Ways and Means: **SB 232**.

REPORT ON ENROLLED BILLS

SR 1726, SR 1727 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 17, 2017.

TRIBUTES

The Committee on Organization, Calendar and Rules authorizes the following tributes for the week of March 13 through 17, 2017.

Senator Bowers: congratulating John O. Farmer III on receiving the Russell Area Chamber of Commerce Lifetime Achievement Award, congratulating Brett Erkenbrack on being inducted into the NJCAA Women's Basketball Coaches Association Hall of Fame, congratulating Andrea Kraus on receiving the Russell Area Chamber of Commerce Community Service Award, congratulating Fat Boy Heaven for most improved Chamber business by the Minneapolis Area Chamber of Commerce, congratulating Albert Lin on being named the Russell Area Chamber of Commerce Citizen of the Year, congratulating Nathan Ottens on achieving the rank of Eagle Scout, congratulating Nicholas Ottens on achieving the rank of Eagle Scout;

Senator Hardy: celebrating Nora Shaffer's 105th birthday;

Senator Rogers: remembering the life of M.S. "Mitch" Mitchell; and

Senator Schmidt: congratulating Harold Facklam on being named the 2017 Assisted Living Distinguished Citizen of the Year Award.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 20, 2017.

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 20, 2017, 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 and Savior, it's the beginning of another week. It's Monday!! Blues singer, Fats Domino called it Blue Monday, while song writer, B.B. King called it Stormy Monday. Both of them said that Tuesday is just as bad and Wednesday is oh, so sad. And not until the weekend, would the grind of another work week be lifted.

Lord, help us rise above all of that. To promote the health benefits of happiness, humor and laughter, Dr. Dale Anderson was inspired to declare today, Monday, March 20th, as "Act Happy Day." He said that when we act happy, we set in motion a chemistry that makes it a reality.

Maybe he was inspired by Your words in James 1:2, where You told us to count it all joy when we encounter various difficulties, because You're using them to grow us.

Abraham Lincoln said "Most folks are as happy as they make up their minds to be." So, Lord, help us make up our minds to be happy!

Irrespective of the problems we must face today...regardless of the problems we must face, give us ways to demonstrate happiness.

And let the infectious chemistry of joy, that is produced when we start acting happy, begin to lift the spirits of those around us.

In the same way that the Pharrell Williams song, "Happy," started a "happydemic" of people joyously singing and dancing. Help us put on happy faces and broad smiles that will be contagious.

As we practice being happy, permeate all that we do with Your Spirit of joy.
To Your glory and to our good, I come 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 234, AN ACT concerning the uniform consumer credit code; relating to consumer loans; amending K.S.A. 16a-2-401, 16a-2-404 and 16a-2-405 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 235, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed firearms in certain buildings; amending

K.S.A. 2016 Supp. 75-7c20 and repealing the existing section, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1728—

A RESOLUTION congratulating and commending the Garden City High School girls bowling team for winning the 2017 Kansas State High School Activities Association (KSHSAA) Class 6A State Bowling Championship.

WHEREAS, The Garden City High School Buffalo girls bowling team won the KSHSAA Class 6A State Bowling Championship for the first time in team history; and

WHEREAS, This is the first state championship earned by a girls program in Garden City High School history; and

WHEREAS, As a team, these ladies set a new program record by earning an overall team score of 3,143; and

WHEREAS, In addition to winning the Class 6A State Championship, the team was the runner-up in their Class 6A regional competition, and was also the 2017 Western Athletic Conference champions; and

WHEREAS, Ryleigh Whitehurst was both the Class 6A state and the regional individual runner-up, and Alexis Leon was the regional individual champion; and

WHEREAS, The team members were: Madison Farr, senior and captain; Karly Larson, freshman; Angelina Leeper, freshman; Alexis Leon, sophomore; Faith Whited, sophomore; and Ryleigh Whitehurst, sophomore; and

WHEREAS, The team is led by head coach Kip Nichols and assistant coach Bethany Howard: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Garden City High School girls bowling team for winning the 2017 Kansas State High School Activities Association Class 6A State Bowling Championship; and

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

On emergency motion of Senator Doll **SR 1728** was adopted by voice vote.

Senators honored Coach Nichols and the team with a standing ovation.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, 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 **Federal and State Affairs**.

By the Governor

On the appointment to the:

Kansas Army National Guard:

John Rueger, General Officer

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Air National Guard:

David Weishaar, Commander

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

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

The appointment was confirmed.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2223; HB 2343**.

Announcing passage of **SB 17**.

Announcing passage of **SB 19**, as amended.

The House concurs in Senate amendments to **HB 2387**.

Announcing passage of **Sub HB 2331**.

Announcing passage of **SB 66**.

Announcing passage of **SB 60**, as amended by **H Sub SB 60; SB 65**, as amended.

The House nonconcur in Senate amendments to **S Sub Sub HB 2052**, requests a conference and has appointed Representatives Waymaster, Davis and Wolfe Moore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 42** and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2223; Sub HB 2331, HB 2343 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **S Sub Sub HB 2052**.

The Vice President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 19** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a

conference committee on the part of the Senate.

On motion of Senator Kerschen the Senate nonconcurrent in the House amendments to **H Sub SB 60** and requested a conference committee be appointed.

The Vice President appointed Senators Kerschen, Estes and Francisco as a conference committee on the part of the Senate.

On motion of Senator Billinger the Senate nonconcurrent in the House amendments to **SB 65** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 216** be amended on page 7, in line 25, after "families" by inserting "or the Kansas department for aging and disability services";

On page 8, in line 16, after "(3)" by inserting "the secretary for aging and disability services or the secretary's designee;

(4) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Also, **HB 2301** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 22-3408 is hereby amended to read as follows: 22-3408. (1) (a) When drawn, a list of prospective jurors ~~and their addresses~~ shall be filed in the office of the clerk of the court ~~and~~.

(b) The list filed pursuant to paragraph (a) shall not be a public record. The provisions of this paragraph shall expire on July 1, 2022, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

(2) (a) The qualifications of jurors and grounds for exemption from jury service in civil cases shall be applicable in criminal trials, except as otherwise provided by law.

(b) An exemption from service on a jury is not a basis for challenge, but is the privilege of the person exempted.

(3) The prosecuting attorney and the defendant or ~~his~~ the defendant's attorney shall conduct the examination of prospective jurors. The court may conduct an additional examination. The court may limit the examination by the defendant, ~~his~~ the defendant's attorney or the prosecuting attorney if the court believes such examination to be harassment, is causing unnecessary delay or serves no useful purpose.";

On page 5, in line 1, by striking "9-153c,;" in line 39, before "K.S.A" by inserting "K.S.A. 22-3408 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public records; relating to trial jurors"; in line 2, after "amending" by inserting "K.S.A. 22-3408 and"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 21, 2017.

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 21, 2017, 2:30 p.m.

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

Heavenly Father, we come today, in gratefulness. In Psalm 100:4-5, Your people are encouraged to come to You with thanksgiving; with praise and with blessing Your name.

There's gratefulness in these halls today; gratefulness for Your salvation and gratefulness for the opportunity to serve; gratefulness for the mind and ability to serve.

We thank You for the enumerable ways in which You bless the work being done under this dome.

And thanks for the gratefulness shown to us by others. And we must agree with Psalms 40, in declaring that we don't have enough time and we don't have enough numbers to count all Your many blessings toward us.

Yet, we have been challenged by the hymn-writer to "Count our many blessings; to name them one by one; and see that it'll surprise us; what the Lord has done."

So, Lord, even though it's beyond our capacity to fully appreciate Your love, Your mercy and Your grace; even though we can't thank You enough, in the humility of our finite humanity, we simply say, thank You for everything.

And, as You continue to bless us in our areas of service, help us to maintain attitudes of gratitude. In Jesus' name, I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics, Elections and Local Government: **Sub HB 2223**.

Federal and State Affairs: **SB 234**.

Public Health and Welfare: **HB 2343**.

Ways and Means: **SB 235**.

STRICKEN FROM THE CALENDAR

On motion of Senator Denning, the following bill was stricken from the Calendar under the heading of **General Orders: SB 35**.

CHANGE OF REFERENCE

The Vice President withdrew **HB 2186** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 81, SB 132** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Ethics, Elections and Local Government**.

The Vice President withdrew **SB 41, SB 73** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SB 33, SB 153** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The Vice President withdrew **SB 5, SB 127, SB 171** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Transportation**.

MESSAGES FROM THE GOVERNOR

SB 43 approved on March 20, 2017.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 15, SB 166**.

The House accedes to the request of the Senate for a conference on **SB 19** and has appointed Representatives Vickrey, Dove and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 60** and has appointed Representatives Hoffman, Thompson and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 65** and has appointed Representatives Kelly, R. Powell and Finney as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2212** be amended on page 1, in line 8, by striking "2022" and inserting "2019"; and the bill be passed as amended.

Also, **HB 2213** be amended on page 3, following line 37, by inserting:

"(g) The provisions of this section shall expire on June 30, 2018."; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **HB 2102** be passed.

Committee on **Judiciary** recommends **HB 2126, HB 2128** be passed.

Also, **HB 2234**, as amended by House Committee, be passed.

The Committee on **Transportation** recommends **HB 2174**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2174," as follows:

"Senate Substitute for HOUSE BILL No. 2174

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to registration, decals for persons with disabilities; distinctive license plates; decals for certain military medals or badges; amending K.S.A. 8-1,126 and K.S.A. 2016 Supp. 8-1,125 and 8-1,156 and repealing the existing sections."; and the substitute bill be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 22, 2017.

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 22, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

The President introduced Reverend LeSean Tarkington, Grant Chapel AME Church in Wichita, to deliver the invocation. Reverend Tarkington is a guest of Senator Haley.

We pray for our nation with hopes that those elected to lead, at every level, will work now for Your people. We pray these men and women will humble themselves to the sacred task of governing for the people who cast votes. We pray for legislators who will care about jobs for the unemployed and underemployed, education and opportunity for children, and health care for all, especially the most vulnerable among us. We pray for laws that will protect and respect the earth, this planet created to be a home for all humanity. We pray for governance that knows the difference between a financial system and an economy, that seeks to protect all living organisms of earth and human life. We pray for wisdom not rhetoric, generosity not indifference and justice not patronage. We want legislators working across the aisle, not erecting barriers like the border walls that imprison even those who seek to keep others out. We pray for a just sharing in the expense of government, let those blessed with great wealth give according to their means, let all give as they are able. We pray for leaders gifted in diplomacy, blessed with character and integrity; leaders who know our security comes from relationships of trust and communication, working together in peace and harmony. Precious Creator, give us the patience to give our leaders a chance to govern with grace, compassion, justice, and love. Let us support sincere effort and celebrate wise compromise. Make us accountable to our faith and so hold those we elect accountable to serve all the people. For our health we say thank You. For our life we say thank You. For the opportunity to servant lead we say thank You. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 236, AN ACT concerning income taxation; relating to certain net operating losses; amending K.S.A. 2016 Supp. 79-32,143 and repealing the existing section, by Committee on Assessment and Taxation.

SB 237, AN ACT concerning tribal-state compacts; approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas;

relating to cigarette sales, taxation and escrow collection, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **Sub HB 2331**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1729—

A RESOLUTION congratulating and commending Reverend Shirley D. Heermance and the members of St. Mark's African Methodist Episcopal (A.M.E.) Church for receiving an African American Civil Rights Grant from the United States National Park Service.

WHEREAS, St. Mark's A.M.E. Church, in historic North Topeka, was established by a group of emancipated slaves known as "Exodusters," who migrated to Kansas from Mississippi, Louisiana, Georgia and Texas, and worked at various jobs around Topeka; and

WHEREAS, St. Mark's is a part of the A.M.E. Church, the oldest African American incorporated religious denomination in America, which was born out of civil unrest and survived incredible perils, including attacks by the Ku Klux Klan, to establish Christian missions in the young state of Kansas; and

WHEREAS, St. Mark's endured extraordinary prejudices and racial hostilities while forming into a congregation that began a rich history of civil rights involvement from its founding in 1880; and

WHEREAS, Despite facing many adversities through the years, St. Mark's has continued to serve as a beacon in the North Topeka community that has illuminated the city, state, nation and world; and

WHEREAS, Reverend Oliver L. Brown, who was assigned as pastor of St. Mark's in 1953, was one of 12 plaintiffs listed in a public school desegregation suit originally filed in 1951. Brown's name was listed first, as he was filing on behalf of his daughter, Linda. The case reached the United States Supreme Court as *Brown v. Board of Education*, which declared segregation in public schools to be unconstitutional in 1954; and

WHEREAS, Linda Brown Thompson, the daughter of Reverend Brown, remains a member of St. Mark's and, until recent health problems, was the church's pianist; and

WHEREAS, Bishop Vinton R. Anderson, who served as pastor at St. Mark's, was the 92nd A.M.E. Church bishop and also one of the presidents of the World Council of Churches. Bishop Anderson died at the age of 86 in 2014; and

WHEREAS, Other notable members of St. Mark's include: Carolyn Wims-Campbell, the first African American elected to the Kansas State Board of Education; Joseph Johnson, the first African American District Court Judge in Shawnee County; Terry Crowder, former vice-chairman of the Kansas Human Rights Commission; and Foster Chisholm, current Sergeant of Arms for the Kansas House of Representatives, along with many other political and civic leaders, educators, doctors, lawyers and

missionaries; and

WHEREAS, One hundred and sixty-four organizations and churches applied to the United States National Park Service's (NPS) African American Civil Rights Grant Program and St. Mark's application was among 39 projects in 20 states that were approved. In total, the NPS awarded \$7.5 million in grants with St. Mark's receiving \$231,804 for rehabilitation of the exterior and interior of its brick building, which was built in 1914, and will be 103 years old in May: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Reverend Shirley D. Heermance and the members of St. Mark's African Methodist Episcopal Church for receiving an African American Civil Rights Grant from the United States National Park Service; and

Be it further resolved: That we thank Reverend Heermance and her congregation for doing God's work in North Topeka and in the Topeka community at large through the years, and we extend our best wishes for their continued prosperity, spiritual growth and success; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1729** was adopted by voice vote.

Guests introduced were Vance Kelley, Dannette Jackson, Betty Moore, Diann Boldridge, Foster Chisholm, Karlene Williams, Terry Crowder, Howard Harvey, Lana Fay Barber and Carolyn Campbell.

Senators honored Rev. Heermance and other guests with a standing ovation.

Senators Rogers, Alley, Estes, Faust-Goudeau, Hardy, McGinn, Petersen and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1730—

A RESOLUTION commemorating the 150th anniversary of the historic Chisholm Trail.

WHEREAS, The Chisholm Trail is celebrating its 150th anniversary after a long and storied history including the birth of the American folk-type cowboy, cowtowns, cowboy hats and the beginning of the Old West era in Kansas; and

WHEREAS, The Chisholm Trail was initially developed in 1867 by Joseph McCoy, an Abilene stockyard owner, and was named after Jesse Chisholm, a Kansan who owned a trading post in Wichita and frequently traded with Native Americans throughout the region; and

WHEREAS, In the Chisholm Trail's heyday from the late 1860s through the 1880s, it stretched roughly from Lockhart, Texas to Abilene, Kansas, and served as a cattle pipeline leading herds from the Texas ranches to the Kansas stockyards and railroad hubs in Abilene, Caldwell, Dodge City, Ellsworth, Newton and Wichita; and

WHEREAS, The trail was an economic lifeline for Kansas, promoting the railroad and making ranching profitable by shipping millions of heads of cattle to the eastern parts of the country using newly formed rail hubs situated close to the Chisholm Trail in Kansas. The economic activity created by the Chisholm Trail boosted the economies of many surrounding towns close to the trail and helped build the reputation of Kansas as being a leader in the beef industry; and

WHEREAS, The Chisholm Trail is considered one of the great byways of America,

along with the Oregon and Santa Fe Trails, that helped cultivate many iconic images of the Old West, enhanced the Kansas economy and is a treasured landmark in Kansas history: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 150th anniversary of the Chisholm Trail and praise the countless benefits that resulted from the Chisholm Trail's impact on Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Rogers.

On emergency motion of Senator Rogers **SR 1730** was adopted by voice vote.

Senators honored the guests with a standing ovation.

CHANGE OF REFERENCE

The President withdrew **HB 2278** from the Committee on **Ethics, Elections and Local Government**, and referred the bill to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 14**, as amended; **SB 20**, as amended; **SB 51**, as amended by **H Sub SB 51**.

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 23; HB 2066 be passed.

HB 2079 be amended by motion of Senator Kerschen; on page 2, in line 5, by striking "statute book" and inserting "Kansas register", and the bill be passed as amended.

HB 2080 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 31 be amended by the adoption of the committee amendments, **SB 31** be further amended by motion of Senator Bowers; on page 2, in line 30, by striking all after "housing"; by striking all in line 31; in line 32, by striking all before the semicolon;

On page 3, in line 4, by striking all after "housing"; by striking all in line 5; in line 6, by striking all before the semicolon.

SB 31 be further amended by motion of Senator Bowers; on page 1, in line 16, after the stricken material by inserting "or"; in line 17, by striking all after "(B)"; by striking all in lines 18 through 22; in line 23, by striking "(C)".

A motion by Senator Fitzgerald to amend **SB 31** was withdrawn.

A substitute motion was offered by Senator Olson to send the bill back to committee. The motion passed and **SB 31** returned to the Committee on **Ethics, Elections and Local Government**.

The committee report on **SB 69** recommending **Sub SB 69** be adopted, be amended by motion of Senator V. Schmidt; on page 1, in line 17, by striking "provider" and inserting "hospital";

On page 2, in line 4, after "of" by inserting "HIPAA"; in line 6, by striking "limitations for" and inserting "periodic review and reporting of reductions in"; in line

16, after "readmitted" by inserting "with a medical condition"; in line 17, by striking "or for observation"; also in line 17, by striking "72 hours" and inserting "15 days";

On page 6, in line 11, by striking "2018" and inserting "2019".

Sub SB 69 be further amended by motion of Senator V. Schmidt; on page 6, in line 2, after "(g)" by inserting "On and after the effective date of this section," and **Sub SB 69** be passed as amended.

A motion by Senator Pilcher-Cook to amend **Sub SB 69** failed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 14** and requested a conference committee be appointed.

The President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 20** and requested a conference committee be appointed.

The President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

On motion of Senator V. Schmidt the Senate nonconcurrred in the House amendments to **H Sub SB 51** and requested a conference committee be appointed.

The President appointed Senators V. Schmidt, Bollier and Kelly as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2136**, **HB 2191** be passed.

Committee on **Assessment and Taxation** recommends **SB 203** be passed.

Committee on **Commerce** recommends **HB 2329** be passed.

Committee on **Ethics, Elections and Local Government** recommends **HB 2006**, as amended by House Committee of the Whole, be amended on page 1, in line 28, by striking "a special" and inserting "an";

On page 2, in line 19, by striking "shall" and inserting "in consultation with the board of county commissioners, shall either: (1) Declare the election to be held at the next regularly scheduled odd-numbered year election; or (2)";

Also on page 2, in line 21, before "The" by inserting:

"If the decision is to call a special election,,"; and the bill be passed as amended.

Also, **HB 2094** be amended on page 1, in line 8, by striking "or" and inserting a comma; also in line 8, after the third "district" by inserting ", park and recreation district, recreation commission, any other political or taxing subdivision of the state or instrumentality thereof, or any other authority, commission, agency, quasi-municipal corporation created under the laws of the state"; following line 16, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 12-2904 is hereby amended to read as follows: 12-2904. (a) Subject to the limitations of subsection (g), any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state including but not limited to those functions relating to economic development, public improvements, public utilities, police protection, public security, public safety and emergency preparedness, including but not limited to, intelligence, antiterrorism and disaster recovery, libraries, data processing services, educational services, building and related

inspection services, flood control and storm water drainage, weather modification, sewage disposal, refuse disposal, park and recreational programs and facilities, ambulance service, fire protection, the Kansas tort claims act or claims for civil rights violations, may be exercised and enjoyed jointly with any other public agency of this state or with any private agency, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public or private agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any public agency may enter into agreements with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any public agency may enter into agreements with Native American Indian tribes for joint or cooperative actions. Such agreements shall be considered to be an interlocal agreement and shall be subject to the procedures and limitations of the interlocal cooperation act.

The provisions of this subsection shall not be construed as authorizing a public agency to enter into a gaming compact pursuant to the interlocal cooperation act.

(d) Any such agreement shall specify the following:

- (1) Its duration.
- (2) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto.
- (3) Its purpose or purposes.
- (4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
- (5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

(6) Any other necessary and proper matters.

(e) In addition to the requirements of subsection (d), if the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement also shall contain the following:

(1) Provision for an administrator or a joint board or one of the participating public agencies to be responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented.

(2) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(f) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, such performance may be offered in satisfaction of the obligation or responsibility.

(g) Every agreement made hereunder, except: (1) Agreements between two or more public agencies establishing a council or other organization of local governments for the study of common problems of an area or region and for the promotion of

intergovernmental cooperation; and (2) agreements entered into regarding joint or cooperative action that are subject to the oversight and regulation of a Kansas regulatory agency, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted hereunder unless the attorney general shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public and private agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.;

Also on page 1, in line 17, by striking "is" and inserting "and K.S.A. 2016 Supp. 12-2904 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "concerning contracts; dealing with the interlocal cooperation act;"; also in line 1, after "and" by inserting "K.S.A. 2016 Supp. 12-2904 and"; in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2137 be amended on page 1, in line 20, by striking "Nothing in this section shall prohibit"; in line 21, by striking all before "as" and inserting "may serve"; in line 22, by striking all after "fighter"; in line 23, by striking all before the period and inserting ", but such commissioner shall not receive any compensation or other remuneration for such volunteer activities"; in line 24, by striking "(a)"; also in line 24, by striking all after "body"; in line 25, by striking all before "as" and inserting "may serve"; in line 26, after "fighter" by inserting ", but such member shall not receive any compensation or other remuneration for such volunteer activities"; by striking all in lines 27 through 31; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2110**, **HB 2118** be passed.

Also, **SB 205** be amended on page 2, in line 25, by striking "period of time" and inserting "member employed as a fireman or policeman, as described in K.S.A. 74-4952(11) and (12), who is"; in line 32, after the period by inserting "If the member does not return to work for the participating employer in the same or a similar position at the conclusion of such leave, except for reasons of death or disability, the period of the leave shall be removed from service credit, and the employer and employee contributions for such period of leave shall be reimbursed by the system to the employee and the employer unless otherwise provided herein. In the case of a decision to voluntarily terminate employment, the period of leave exceeding 365 days shall be removed from service credit, and the employer and employee contributions for such period of leave shall be reimbursed by the system to the employee and the employer.;"

On page 5, in line 2, after the period by inserting "If the member does not return to work for the participating employer in the same or a similar position at the conclusion of such leave, except for reasons of death or disability, the period of the leave shall be removed from service credit, and the employer and employee contributions for such period of leave shall be reimbursed by the system to the employee and the employer unless otherwise provided herein. In the case of a decision to voluntarily terminate employment, the period of leave exceeding 365 days shall be removed from service

credit, and the employer and employee contributions for such period of leave shall be reimbursed by the system to the employee and the employer."; and the bill be passed as amended.

HB 2043 be amended on page 3, in line 36, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2067, as amended by House Committee, be amended on page 3, following line 12, by inserting:

"(5) A person applying for a resident insurance agent license who has been fingerprinted and has submitted to a state and national criminal history record check within the past 12 months in connection with the successful issuance or renewal of any other state-issued license may submit proof of such good standing to the commissioner in lieu of submitting to the fingerprinting and criminal history record checks described in subsections (i)(1) and (i)(2)."; and the bill be passed as amended.

HB 2111, as amended by House Committee, be amended on page 3, in line 39, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2153**, as amended by House Committee, be amended on page 4, in line 4, after "(f)" by inserting "Beginning on January 8, 2018, the director of the budget shall prepare a report listing the unencumbered balance of each fund in subsection (b) on June 30 of the previous fiscal year and January 1 of the current fiscal year. Such report shall be delivered to the secretary of the senate and the chief clerk of the house of representatives on or before the first day of the regular legislative session each year.

(g) "; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2095**, as amended by House Committee, (Corrected), be amended on page 1, in line 33, by striking "and"; in line 36, after "snow" by inserting "; and

(8) the vehicle, when operating in excess of 85,500 pounds, shall only carry agricultural inputs, farm supplies, biofuels, feed, raw or processed agricultural commodities, livestock, raw meat products intended by the shipper for further processing or farm products. The provisions of this paragraph shall be construed liberally so as to effectuate the purposes thereof"; and the bill be passed as amended.

Also, **HB 2203**, as amended by House Committee, be amended on page 1, following line 32, by inserting:

"New Sec. 3. The portion of interstate highway 70 from the junction with highway K-15 then west to the junction with United States highway 81 is hereby designated as the John Carlin highway. Upon compliance with K.S.A. 2016 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the John Carlin highway.

Sec. 4. K.S.A. 2016 Supp. 68-1009 is hereby amended to read as follows: 68-1009. (a) The portion of United States highway ~~No. 40~~ traversing this state where it crosses the Missouri-Kansas border on the east to the point where it leaves the state on the west at the Kansas-Colorado line, be and it is hereby designated as the official east-west Blue Star memorial highway in the state of Kansas.

(b) If the state of Missouri designates a portion of interstate highway 70 as the Truman/Eisenhower Presidential highway, or something substantially similar, then the

portion of United States highway ~~No. 40~~ from where it crosses the Missouri-Kansas border, to the west city limits of Topeka, and then from the junction of ~~highway K-15~~ United States highway 81 with United States highway ~~No. 40~~, then west on United States highway ~~No. 40~~ to the point where it leaves the state at the Kansas-Colorado line, shall be designated as the official east-west Blue Star memorial highway in the state of Kansas.";

Also on page 1, in line 33, after "Supp." by inserting "68-1009 and"; also in line 33, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page one, the title, in line 1, after "ACT" by inserting "concerning roads and highways;"; in line 2, after "highway" by inserting "and a portion of interstate 70 as the John Carlin highway"; also in line 2, after "Supp." by inserting "68-1009 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 23, 2017.

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 23, 2017, 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, Creator and Sustainer, we come together for this moment of prayer.

Thank You for the privilege of coming to You on behalf of these Senators. Thanks for enabling me to come in favor of all that are under the sound of my voice. Thanks for allowing me the honor of interceding on behalf of others.

But I also thank You, Lord, for the blessedness of "conference calling," that all of us can be connected with You at the same time.

The Psalmist captured this idea for us in Psalms 94:9 when he said, You who made the ear can hear far more than any ear You have made. And, You who made the eye can see far more than any eye You have made.

You hear us individually. And when gathered as a group, You hear us collectively and simultaneously, without any error or confusion.

It's a blessing to know that because You are God, there's no static on the line, and no dropped calls when we come to you in humble submission.

So, Lord, You can hear, absolutely, the quiet concerns of each one of us and You can see with total clarity every need that we have.

Your ears are so in tune with us; Your loving concern is so drawn to us, that You provide whatever we need when we ask in humble submission (1 John 5:14).

Keep us humble Lord, always appealing to Your listening ear and watchful eye.

I come to You again, grateful for this privilege. In Jesus' Name, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Billinger rose on a Point of Personal Privilege to recognize Gerard Wellbrock who has been with KAYS (Eagle Radio) since 1992, and is in his 15th season as the play-by-play Voice of the Fort Hays State Tigers. He was named 2016 "Kansas Sportscaster of the Year" by the National Sports Media Association. Gerard has also been the recipient of numerous other broadcasting awards and is a member of a variety of community outreach organizations in Hays.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 238, AN ACT concerning compulsory school attendance; relating to the age of children subject to compulsory school attendance; amending K.S.A. 2016 Supp. 72-1111 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 236**.

Federal and State Affairs: **SB 237**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly, Hensley and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1731—

A RESOLUTION congratulating and commending the Topeka and
Shawnee County Public Library for being named
Library of the Year by Library Journal.

WHEREAS, On June 7, 2016, Library Journal announced that the Topeka and Shawnee County Public Library (TSCPL) was named Library of the Year, the highest honor for a library in the United States and Canada; and

WHEREAS, Since 1992, the Library of the Year Award has been given annually to a role model library that demonstrates creativity, innovation, leadership and outstanding service to the community; and

WHEREAS, TSCPL facilitates community meetings to discuss various topics, such as increasing collective health, battling poverty and homelessness, creating work-readiness programs, feeding children and supporting young professionals; and

WHEREAS, Through TSCPL's Community Health Improvement Plan, the library helps community members and service providers create goals, strategies and opportunities for community action based on areas of focus identified in a city-wide needs assessment; and

WHEREAS, To help future leaders become active in the community, TSCPL has partnered with Leadership Greater Topeka, which helps veteran and rising community leaders learn skills and create relationships, and with the Candidate School, which helps aspiring government officials learn the basics of running for local office; and

WHEREAS, Instead of waiting for the community to come to them, TSCPL makes efforts to reach out to the community through bookmobiles, provide services to senior and assisted living communities, forge partnerships with community centers and cooperate with community entities to help Shawnee County residents find jobs and start businesses; and

WHEREAS, TSCPL employs five Outreach Storytellers who visit 75 daycare centers and preschools every three to five months. In support of early childhood learning programs and in partnership with Shawnee County businesses and non-profit organizations, TSCPL also plans to launch the Mobile Early Childhood Learning

Center; and

WHEREAS, Through the use of forward-thinking surveys, community outreach events, board retreats and staff meetings, TSCPL is able to learn how to better serve the community; and

WHEREAS, TSCPL will continue to educate, enrich and inspire the residents of Shawnee County for years to come: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Topeka and Shawnee County Public Library for being named Library of the Year by Library Journal; and

Be it further resolved: That the Secretary of the Senate shall send 12 enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1731** was adopted by voice vote.

Guests introduced were Gina Millsap, James Marvin, Laurel Leamon, Duane Johnson, Jim Edwards, Betty Greiner, Liz Post, Melissa Masoner, Nancy Lindberg, Mary Campbell, Linda Hayse, Sherryl Longhofer, Jill Marvin and others seated in the gallery.

Senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2232, HB 2289, HB 2313.**

Announcing passage of **SB 68.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2232, HB 2289, HB 2313 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 Kerschen in the chair.

On motion of Senator Kerschen the following report was adopted:

HB 2164 be passed.

SB 109, HB 2096 be amended by the adoption of the committee amendments, and the bills be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 23, AN ACT concerning certain state officers and employees; relating to the attorney general, the state bank commissioner, the secretary of labor, the commissioner of insurance and the securities commissioner; criminal investigations and prosecutions by the attorney general; creating the fraud and abuse criminal prosecution fund; establishing the office of the securities commissioner as a division under the jurisdiction of the commissioner of insurance; amending K.S.A. 50-1013 and K.S.A. 2016 Supp. 9-2209, 17-12a508, 40-113, 44-5,122, 44-5,124, 44-719 and 75-6301 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson,

McGinn, Petersen, Pilcher-Cook, Pyle, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Olson, Pettey, Rogers, V. Schmidt.

The bill passed.

EXPLANATION OF VOTE

Madam President: I vote "No" on **SB 23**. Kansas became the first state to pass a law regulating the sale of investments in 1911, 23 years before the Securities and Exchange Commission was created at the federal level. Since then, the Kansas Securities Commission has worked to protect the citizens of Kansas from fraud and scams in the securities industry. Completely dismantling this independent agency is completely unjustified. The Commission would be better served with new leadership at the top rather than dividing its important work between the Insurance Commissioner and Attorney General's Office. This bill is bad public policy and does more harm than good. That is why I vote "No" on **SB 23**.—ANTHONY HENSLEY

Senators Faust-Goudeau and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 23**.

Sub SB 69, AN ACT concerning the Kansas program of medical assistance; process and contract requirements; claims appeals, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Fitzgerald, Masterson, Pilcher-Cook, Pyle.

The bill passed, as amended.

HB 2066, AN ACT concerning use of state highway right-of-way; relating to reimbursement for certain relocation costs; public wholesale water supply districts; amending K.S.A. 68-415 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2079, AN ACT concerning motor vehicles; relating to water district vehicle registration; amending K.S.A. 2016 Supp. 8-1,134 and repealing the existing section, was considered on final action.

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

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

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2080, AN ACT concerning rural water districts; relating to reinstatement of forfeited benefit units; amending K.S.A. 82a-621 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 109**, **HB 2096**, **HB 2164** were advanced to Final Action and roll call.

SB 109, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

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

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

The bill passed, as amended.

HB 2096, AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2016 Supp. 75-5091 and repealing the existing section.

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

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

Nays: Pilcher-Cook.

The bill passed, as amended.

HB 2164, AN ACT concerning community college boards of trustees; providing an additional member to the Cowley county community college board of trustees; amending K.S.A. 71-1403 and repealing the existing section.

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

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

The bill passed.

Upon the showing of five hands a Call of the Senate was requested.

The Call was lifted.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** begs leave to submit the following report:

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

By the Governor:

Judge, Kansas Board of Tax Appeals: K.S.A. 74-2433

Ron Mason, to fill a term expiring on January 15, 2021

Chief Hearing Officer, Kansas Board of Tax Appeals: K.S.A. 74-2433

Arlen Siegfried, to fill a term expiring on January 15, 2021

Committee on **Financial Institutions and Insurance** recommends **HB 2268**, be passed.

Committee on **Judiciary** recommends **HB 2053**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2053," as follows:

"Senate Substitute for HOUSE BILL No. 2053

By Committee on Judiciary

"AN ACT enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions.";

And the substitute bill be passed.

Also, **HB 2197** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2197," as follows:

"Senate Substitute for HOUSE BILL No. 2197

By Committee on Judiciary

"AN ACT concerning the code of civil procedure; amending K.S.A. 2016 Supp. 60-102, 60-206, 60-216, 60-226, 60-230, 60-231, 60-234, 60-237 and 60-255 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 60-268.";

And the substitute bill be passed.

HB 2041 be amended on page 7, following line 6, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 20-169 is hereby amended to read as follows: 20-169.

(a) The judicial administrator is authorized to enter into contracts in accordance with this section for collection services for debts owed to courts or restitution owed under an order of restitution. On and after July 1, 1999, the cost of collection shall be paid by the ~~defendant responsible party~~ as an additional court cost in all ~~criminal, traffic and juvenile offender~~ cases where ~~the defendant~~ such party fails to pay any ~~amount ordered by the court~~ debts owed to courts or restitution owed under an order of restitution and the court utilizes the services of a contracting agent pursuant to this section. The cost of collection shall be deemed an administrative fee to pay the actual costs of collection made necessary by ~~the defendant's~~ such party's failure to pay court debt and restitution.

(b) As used in this section:

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

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

(3) "cost of collection" means the fee specified in contracts hereunder to be paid to or retained by a contracting agent for collection services. Cost of collection also includes any filing fee required under K.S.A. 60-4303, and amendments thereto, or administrative costs prescribed by rules of the supreme court; and

(4) "debts owed to courts" means any assessment of court costs, fines, fees, moneys expended by the state in providing counsel and other defense services to indigent defendants or other charges which a district court judgment has ordered to be paid to the court, and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. "Debts owed to courts" also includes: (A) The cost of collection when collection services of a contracting agent hereunder are utilized; and (B) court costs, fines, fees or other charges arising from failure to comply with a traffic citation within 30 days from the date of the mailing of the notice pursuant to K.S.A. 8-2110(b)(1), and amendments thereto.

(c) (1) Contracts authorized by this section may be entered into with state or federal agencies or political subdivisions of the state of Kansas, including contracts for participation in the collection program authorized by K.S.A. 75-6201 et seq., and amendments thereto. Such contracts also may be entered into with private firms or individuals selected by a procurement negotiation committee in accordance with K.S.A. 75-37,102, and amendments thereto, except that the judicial administrator shall designate a representative to serve as the chief administrative officer member of such committee and that the other two members of such committee shall be designated by the director of purchases and the judicial administrator.

(2) Prior to negotiating any contract for collection services, this procurement negotiation committee shall advertise for proposals, negotiate with firms and individuals submitting proposals and select among those submitting such proposals the party or parties to contract with for the purpose of collection services.

(3) The supreme court may adopt rules as deemed appropriate for the administration of this section, including procedures to be used in the negotiation and execution of contracts pursuant to this section and procedures to be followed by those who utilize collection services under such contracts.

(4) For purposes of this section, the agencies, firms or individuals with whom contracts are entered under this section shall be known as contracting agents. The judicial administrator shall publish a list of the contracting agents for use by courts or beneficiaries under orders of restitution who desire to utilize the collection services of such agents.

(5) Each contract entered pursuant to this section shall provide for a fee to be paid to or retained by the contracting agent for collection services. Such fee shall be designated as the cost of collection hereunder, and shall not exceed 33% of the amount collected. The cost of collection shall be paid from the amount collected, but shall not be deducted from the debts owed to courts or restitution. If a contracting agent uses the debt setoff procedures pursuant to K.S.A. 75-6202 et seq., and amendments thereto, to recover debts owed to the courts, the contracting agent's cost of collection for debt

recovered through that program shall be the amount established by contract minus the collection assistance fee imposed by the director of accounts and reports of the department of administration pursuant to K.S.A. 75-6210, and amendments thereto.

(d) Judicial districts of the state of Kansas are authorized to utilize the collection services of contracting agents pursuant to this section for the purpose of collecting all outstanding debts owed to courts. Subject to rules and orders of the Kansas supreme court, each judicial district may establish by local rule guidelines for the compromise of court costs, fines, attorney fees and other charges assessed in district court cases.

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

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

(g) With the appropriate cost of collection paid to the contracting agent as agreed upon in the contract hereunder, the clerk shall then distribute amounts collected hereunder as follows:

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

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

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

On page 36, in line 15, after the second comma by inserting "20-169,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "collection of debts owed to the courts;"; also in line 2, after the second comma by inserting "20-169,"; and the bill be passed as amended.

HB 2054, as amended by House Committee of the Whole, be amended on page 8, following line 27, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 74-9101 is hereby amended to read as follows: 74-9101. (a) There is hereby established the Kansas sentencing commission.

(b) The commission shall:

(1) Develop a sentencing guideline model or grid based on fairness and equity and

shall provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices. The guidelines shall specify the circumstances under which imprisonment of an offender is appropriate and a presumed sentence for offenders for whom imprisonment is appropriate, based on each appropriate combination of reasonable offense and offender characteristics. In developing its recommended sentencing guidelines, the commission shall take into substantial consideration current sentencing and release practices and correctional resources, including, but not limited to, the capacities of local and state correctional facilities. In its report, the commission shall make recommendations regarding whether there is a continued need for and what is the projected role of, if any, the prisoner review board and whether the policy of allocating good time credits for the purpose of determining an inmate's eligibility for parole or conditional release should be continued;

(2) consult with and advise the legislature with reference to the implementation, management, monitoring, maintenance and operations of the sentencing guidelines system;

(3) direct implementation of the sentencing guidelines system;

(4) assist in the process of training judges, county and district attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups. For these purposes, the sentencing commission shall develop an implementation policy and shall construct an implementation manual for use in its training activities;

(5) receive presentence reports and journal entries for all persons who are sentenced for crimes committed on or after July 1, 1993, to develop post-implementation monitoring procedures and reporting methods to evaluate guideline sentences. In developing the evaluative criteria, the commission shall take into consideration rational and consistent sentencing standards which reduce sentence disparity to include, but not be limited to, racial and regional biases;

(6) advise and consult with the secretary of corrections and members of the legislature in developing a mechanism to link guidelines sentence practices with correctional resources and policies, including, but not limited to, the capacities of local and state correctional facilities. Such linkage shall include a review and determination of the impact of the sentencing guidelines on the state's prison population, review of corrections programs and a study of ways to more effectively utilize correction dollars and to reduce prison population;

(7) make recommendations relating to modification to the sentencing guidelines as provided in K.S.A. 2016 Supp. 21-6822, and amendments thereto;

(8) prepare and submit fiscal impact and correctional resource statement as provided in K.S.A. 74-9106, and amendments thereto;

(9) make recommendations to those responsible for developing a working philosophy of sentencing guideline consistency and rationality;

(10) develop prosecuting standards and guidelines to govern the conduct of prosecutors when charging persons with crimes and when engaging in plea bargaining;

(11) analyze problems in criminal justice, identify alternative solutions and make recommendations for improvements in criminal law, prosecution, community and correctional placement, programs, release procedures and related matters including

study and recommendations concerning the statutory definition of crimes and criminal penalties and review of proposed criminal law changes;

(12) perform such other criminal justice studies or tasks as may be assigned by the governor or specifically requested by the legislature, department of corrections, the chief justice or the attorney general;

(13) develop a program plan which includes involvement of business and industry in the public or other social or fraternal organizations for admitting back into the mainstream those offenders who demonstrate both the desire and ability to reconstruct their lives during their incarceration or during conditional release;

(14) appoint a task force to make recommendations concerning the consolidation of probation, parole and community corrections services;

(15) produce official inmate population projections annually on or before six weeks following the date of receipt of the data from the department of corrections. When the commission's projections indicate that the inmate population will exceed available prison capacity within two years of the date of the projection, the commission shall identify and analyze the impact of specific options for: (A) Reducing the number of prison admissions; or (B) adjusting sentence lengths for specific groups of offenders. Options for reducing the number of prison admissions shall include, but not be limited to, possible modification of both sentencing grids to include presumptive intermediate dispositions for certain categories of offenders. Intermediate sanction dispositions shall include, but not be limited to: Intensive supervision; short-term jail sentences; halfway houses; community-based work release; electronic monitoring and house arrest; substance abuse treatment; and pre-revocation incarceration. Intermediate sanction options shall include, but not be limited to, mechanisms to explicitly target offenders that would otherwise be placed in prison. Analysis of each option shall include an assessment of such option's impact on the overall size of the prison population, the effect on public safety and costs. In preparing the assessment, the commission shall review the experience of other states and shall review available research regarding the effectiveness of such option. The commission's findings relative to each sentencing policy option shall be presented to the governor and the joint committee on corrections and juvenile justice oversight no later than November 1;

(16) at the request of the governor or the joint committee on corrections and juvenile justice oversight, initiate and complete an analysis of other sentencing policy adjustments not otherwise evaluated by the commission;

(17) develop information relating to the number of offenders on postrelease supervision and subject to electronic monitoring for the duration of the person's natural life;

(18) determine the effect the mandatory sentencing established in K.S.A. 21-4642 and 21-4643, prior to their repeal, or K.S.A. 2016 Supp. 21-6626 and 21-6627, and amendments thereto, would have on the number of offenders civilly committed to a treatment facility as a sexually violent predator as provided pursuant to K.S.A. 59-29a01 et seq., and amendments thereto;

(19) assume the designation and functions of the state statistical analysis center. All criminal justice agencies, as defined in ~~subsection (e) of K.S.A. 22-4701(c)~~, and amendments thereto, ~~and the juvenile justice authority~~ shall provide any data or information, including juvenile offender information, requested by the commission to facilitate the function of the state statistical analysis center;

(20) subject to the provisions of appropriation acts and the availability of funds therefor, produce official juvenile correctional facility population projections annually on or before November 1, not more than six weeks following the receipt of the data from the juvenile justice authority and develop bed impacts regarding legislation that may affect juvenile correctional facility population;

(21) be authorized to make statewide supervision and placement cutoff decisions based upon the risk levels and needs of the offender. The commission shall periodically review data and make recommended changes; ~~and~~

(22) determine the impact and effectiveness of supervision and sanctions for felony offenders regarding recidivism and prison and community-based supervision populations; and

(23) gather data and information from any state agency to carry out the duties and functions described in this section. Unless otherwise prohibited by law, all state agencies shall provide any data or information requested by the commission to carry out such duties and functions. As used in this paragraph, "state agency" means any state office, officer, department, board, commission, institution, bureau, agency, or authority or any division or unit thereof.;

Also on page 8, in line 28, by striking "is" and inserting "and 74-9101 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 "state agencies; relating to records and reports of the department of labor; providing data and information to the Kansas sentencing commission"; also in line 2, after "44-714" by inserting "and 74-9101"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2071 be amended on page 3, following line 34, by inserting:

"Sec. 2. K.S.A. 2016 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 ~~which 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, ~~pound~~ 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 incorporated humane society, the operator of an animal shelter or pound,~~ a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such ~~society, shelter or pound~~;

(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 ~~which that~~ may be found outside of the owned or rented property of the owner or custodian of such animal and ~~which 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 ~~subsection (x) of~~ 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 ~~incorporated humane society~~, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, ~~which 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 ~~a duly incorporated humane society~~ an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such ~~humane society~~ animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. ~~If the animal is placed in the care of an animal shelter, the animal shelter shall notify~~ 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 board of county commissioners in the county where the animal was taken into custody shall establish and approve procedures whereby the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court to be allowed in the county in which the animal was taken into custody to place the animal for adoption or euthanize transfer ownership of~~ the animal at any time after 21 days after the owner or custodian is notified or, 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. Upon receiving such petition, the court shall determine whether the animal may be ~~placed for adoption or euthanized~~. ~~The board of county commissioners in the county where the animal was taken into custody shall review the cost of care and treatment being charged by the animal shelter maintaining the animal transferred.~~

(f) The owner or custodian of an animal ~~placed for adoption or killed transferred~~ pursuant to subsection (e) shall not be entitled to recover damages for the ~~placement or killing transfer~~ transfer of such animal unless the owner proves that such ~~placement or killing 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.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, ~~and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime~~, such animal shall not be returned to or remain with such person. Such animal may be turned over to ~~a duly incorporated humane society~~ 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

~~(2)-(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.

Sec. 3. K.S.A. 2016 Supp. 21-6414 is hereby amended to read as follows: 21-6414.

(a) Unlawful conduct of dog fighting is:

(1) Causing, for amusement or gain, any dog to fight with or injure another dog, with no requirement of culpable mental state;

(2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or

(3) training, owning, keeping, transporting or selling any dog with the intent of having it fight with or injure another dog.

(b) Unlawful possession of dog fighting paraphernalia is possession, with the intent to use in the unlawful conduct of dog fighting, any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia.

(c) Unlawful attendance of dog fighting is, entering or remaining on the premises where the unlawful conduct of dog fighting is occurring, whether the person knows or has reason to know that dog fighting is occurring on the premises.

(d) (1) Unlawful conduct of dog fighting is a severity level 10, nonperson felony.

(2) Unlawful possession of dog fighting paraphernalia is a class A nonperson misdemeanor.

(3) Unlawful attendance of dog fighting is a class B nonperson misdemeanor.

(e) When a person is arrested under this section, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested for unlawful conduct of dog fighting, unlawful attendance of dog fighting, or unlawful possession of dog fighting paraphernalia.

(f) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of ~~a duly incorporated humane society~~ an animal shelter or licensed veterinarian for boarding, treatment or other care. If it appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. The dog may be sedated, isolated or restrained if such officer, agent or veterinarian determines it to be in the best interest of the dog, other animals at the animal shelter or personnel of the animal shelter. ~~If the dog is placed in the care of an animal shelter, the board of county commissioners in the county where the animal was taken into custody shall establish and approve procedures whereby~~ 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 be allowed to place the dog for adoption or euthanize transfer ownership of the dog at any time after 21 days after the dog is taken into custody, unless the owner or custodian of the dog files a renewable cash or performance bond with the county clerk of the county where the dog is being held, in an amount equal to not less than the cost of care and treatment of the dog for 30 days. Upon receiving such petition, the board shall determine whether the dog may be placed for adoption or euthanized. The board of county commissioners in the county where the animal was taken into custody shall review the cost of care and treatment being charged by the animal shelter maintaining the animal transferred. Except as provided in subsection (g), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under this section or K.S.A. 2016 Supp. 21-6412, and amendments thereto. The owner

or keeper of a dog ~~placed for adoption or humanely killed~~ transferred under this subsection shall not be entitled to damages unless the owner or keeper proves that such ~~placement or killing transfer~~ was unwarranted.

(g) If a person is convicted of unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia, a dog taken into custody pursuant to subsection (e) shall not be returned to such person and the court shall order the owner or keeper to pay to the animal shelter all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to conviction of the owner or keeper. Disposition of such dog shall be in accordance with K.S.A. 2016 Supp. 21-6412, and amendments thereto. If no such conviction results, the dog shall be returned to the owner or keeper and the court shall order the county where the dog was taken into custody to pay to the law enforcement agency, veterinarian or animal shelter all expenses incurred ~~by the shelter~~ for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to its return.

(h) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.

(i) As used in this section, "animal shelter" means the same as such term is defined in K.S.A. 47-1701, and amendments thereto.;

Also on page 3, in line 35, by striking "is" and inserting ", 21-6412 and 21-6414 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and" and inserting a comma; also in line 1, after "punishment" by inserting "and criminal procedure"; also in line 1, after the second semicolon by inserting "cruelty to animals; unlawful conduct of dog fighting,"; in line 2, after "21-5414" by inserting ", 21-6412 and 21-6414"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2044, HB 2217, HB 2219** be passed.

Also, **SB 217** be amended on page 72, in line 22, by striking all before "persons"; also in line 22, before "that" by inserting "or individuals with intellectual or other disabilities"; in line 32, by striking all after "ill"; in line 33, after "persons" by inserting "or individuals with intellectual or other disabilities"; in line 35, by striking all after "of"; in line 36, by striking "persons"; also in line 36, before "that" by inserting "individuals with intellectual or other disabilities"; and the bill be passed as amended.

HB 2025 be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 2016 Supp. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for license—professional nurse	\$75
Application for license—practical nurse	50
Application for biennial renewal of license—professional nurse and practical nurse	60
Application for reinstatement of license	70
Application for reinstatement of licenses with temporary permit.....	100
<u>Application for reinstatement of revoked license</u>	<u>1,000</u>
Certified copy of license	25
Duplicate of license	25

Inactive license 20

Application for license—advanced practice registered nurse 50

Application for license with temporary permit—advanced practice registered nurse 100

Application for renewal of license—advanced practice registered nurse 60

Application for reinstatement of license—advanced practice registered nurse 75

Application for authorization—registered nurse anesthetist 75

Application for authorization with temporary authorization—registered nurse anesthetist 110

Application for biennial renewal of authorization—registered nurse anesthetist 60

Application for reinstatement of authorization—registered nurse anesthetist 75

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

Verification of license to another state 30

Application for exempt license—professional and practical nurse 50

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

Application for exempt license—advanced practice registered nurse 50

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

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

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

New Sec. 2. (a) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form approved by the board and shall be accompanied by a reinstatement fee established by the board under K.S.A. 65-1118, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative

procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

(b) On or before January 8, 2018, and on or before the first day of the regular session of the Kansas legislature each year thereafter, the board of nursing shall submit a written report to the senate standing committee on public health and welfare and the house of representatives standing committee on health and human services that includes on an anonymous but individual and itemized basis: The number of individuals who applied for reinstatement of a revoked license during the immediately preceding calendar year; the amount of moneys charged to each such applicant; the number of such reinstatement applications that were granted and denied; and the basis given to deny any such reinstatement application.

(c) This section shall be part of and supplemental to the Kansas nurse practice act.

Sec. 3. K.S.A. 2016 Supp. 65-4202 is hereby amended to read as follows: 65-4202. As used in this act: (a) "Board" means the state board of nursing.

(b) The "practice of mental health technology" means the performance, under the direction of a physician licensed to practice medicine and surgery or registered professional nurse, of services in caring for and treatment of the mentally ill, emotionally disturbed, or people with intellectual disability for compensation or personal profit, ~~which services that:~~

(1) ~~Involves responsible nursing participation and provision of input into the development of person-centered treatment plans and therapeutic procedures for patients with mental illness or intellectual disability~~ individuals or groups of individuals specified in subsection (b) requiring interpersonal and technical skills in the observations and recognition of symptoms and reactions of such ~~patients~~ individuals, the accurate recording of such symptoms and reactions and the carrying out of treatments and medications as prescribed by a licensed physician or a mid-level practitioner as defined in ~~subsection (ii)~~ of K.S.A. 65-1626(ii), and amendments thereto; ~~and~~

(2) require an application of techniques and procedures that involve understanding of cause and effect and the safeguarding of life and health of the ~~patient~~ individual and others; and

(3) require the performance of duties that are necessary to facilitate habilitation and rehabilitation of the patient individual or are necessary in the physical, therapeutic and psychiatric care of the ~~patient~~ individual and require close work with persons licensed to practice medicine and surgery, psychiatrists, psychologists, rehabilitation therapists, social workers, registered nurses, and other professional personnel.

(c) A "licensed mental health technician" means a person who lawfully practices mental health technology as defined in this act.

(d) An "approved course in mental health technology" means a program of training and study including a basic curriculum ~~which that~~ shall be prescribed and approved by the board in accordance with the standards prescribed herein, the successful completion of which shall be required before licensure as a mental health technician, except as hereinafter provided.

Sec. 4. K.S.A. 65-4203 is hereby amended to read as follows: 65-4203. (a) *Qualification.* An applicant for a license to practice as a mental health technician shall:

(1) Have graduated from a high school accredited by the appropriate legal

accrediting agency or ~~has~~ have obtained the equivalent of a high school education, as determined by the state department of education;

(2) have satisfactorily completed an approved course of mental health technology; and

(3) file with the board a written application for a license.

(b) The board may issue a license to an applicant to practice as a mental health technician who has:

(1) Met the qualifications set forth in subsection (a);

(2) passed a written examination in mental health technology as prescribed ~~and conducted~~ by the board; and

(3) no disqualifying factors under K.S.A. 65-4209₂ and amendments thereto.

(c) *Licensure examination within 24 months of graduation.* (1) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(2) Persons who are unsuccessful in passing the licensure examination within 24 months after graduation shall petition the board for permission prior to subsequent attempts. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination a subsequent time. The study plan shall contain subjects related to deficiencies identified on the failed examination profiles.

(d) An application for initial licensure will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(e) *Refresher course.* Notwithstanding the provisions of subsection (a), an applicant for a license to practice as a mental health technician who has not been licensed to practice as a mental health technician for five years preceding application shall be required to successfully complete a refresher course as defined by the board in rules and regulations.

(f) The board may issue a one-time temporary permit to practice as a mental health technician for a period not to exceed 120 days when a reinstatement application has been made.

(g) *Exempt license.* The board may issue an exempt license to any licensee as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-4208₂ and amendments thereto₂ and who is not regularly engaged in mental health technician practice in Kansas but volunteers mental health technician service or is a charitable health care provider as defined by K.S.A. 75-6102₂ and amendments thereto. Each exempt licensee shall be subject to all provisions of the mental health technician act, except as otherwise provided in this subsection (e). Each exempt license may be renewed biennially subject to the provisions of this section. The holder of the exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education for renewal. To convert an exempt license to an active license, the exempt licensee shall meet all the requirements of subsection (b) or K.S.A. 65-4205 and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

(h) The board may adopt rules and regulations as necessary to administer the mental health technician's licensure act.

Sec. 5. K.S.A. 65-4208 is hereby amended to read as follows: 65-4208. (a) The board shall collect in advance the fees provided for in this act, the amount of which shall be fixed by the board by rules and regulations, but not to exceed:

(1) Mental health technician programs:	
Annual renewal of program approval.....	\$110
Survey of a new program.....	220
Application for approval of continuing education providers.....	200
Annual fee for continuing education providers.....	75
(2) Mental health technicians:	
Application for license.....	\$50
Application for renewal of license.....	60
Application for reinstatement.....	70
Application for reinstatement of license with temporary permit.....	75
Certified copy of license.....	12
Duplicate of license.....	12
Inactive license.....	20
Examination.....	40
Reexamination.....	40
Verification of current Kansas license to other states.....	11
Application for exempt license.....	50
Application for biennial renewal of exempt license.....	50

(b) The board shall require that fees for an examination prescribed by the board be paid directly to the examination service providing the examination by the person taking the examination.

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

Sec. 6. K.S.A. 2016 Supp. 65-4212 is hereby amended to read as follows: 65-4212. The provisions of this act shall not be construed as prohibiting: (a) Gratuitous care of the mentally ill, emotionally disturbed or people with intellectual disability by friends or members of the family;

(b) the practice of mental health technology by students enrolled in approved courses of mental health technology;

(c) the practice of mental health technology by graduates of an approved course in mental health technology who are practicing as mental health technicians pending the results of the first licensing examination scheduled by the board following graduation;

(d) practice by short-term trainees exploring the practice of mental health technology as a prospective vocation;

(e) service conducted in accordance with the practice of the tenets of any religious denomination in which persons of good faith rely solely upon spiritual means or prayer in the exercise of their religion to prevent or cure disease;

(f) the practice of any legally qualified mental health technician of this state or another who is employed by the United States government of any bureau, division or agency thereof, while in the discharge of official duties;

(g) temporary assistance in the therapeutic care of ~~patients~~ individuals where adequate medical, nursing, and/or other supervision is provided;

(h) subsidiary workers in hospitals or related institutions from assisting in the nursing care of ~~patients~~ individuals where adequate medical and nursing supervision is provided; and

(i) the employment of psychiatric aides who have received at least three months instruction in an approved basic aide training program and who work under the supervision of licensed personnel.";

Also on page 1, in line 17, after "K.S.A." by inserting "65-4203, 65-4208 and"; also in line 17, by striking "is" and inserting "and K.S.A. 2016 Supp. 65-1118, 65-4202 and 65-4212 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "ACT" by inserting "concerning the board of nursing;" also in line 1, after the semicolon by inserting "reinstatement of licenses; fees; mental health technician's licensure act;"; also in line 1, after "K.S.A." by inserting "65-4203, 65-4208 and"; in line 2, after "and" by inserting "K.S.A. 2016 Supp. 65-1118, 65-4202 and 65-4212 and"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2030, as amended by House Committee, be amended on page 1, in line 34, after "registries" by inserting ", except that if the person vaccinated or, if the person is a minor, the parent or guardian of the minor, objects to the report, the report shall not be made";

On page 2, following line 9, by inserting:

"New Sec. 2. (a) On and after July 1, 2020, physicians and other persons authorized by law in this state to administer vaccines shall report the administration of a vaccine to a person in this state to the state registry maintained for such purpose by the secretary of health and environment in a manner and form as may be required by the secretary, except that if the person vaccinated or, if the person is a minor, the parent or guardian of the minor, objects to the report, the report shall not be made.

(b) As used in this section, "physician" means a person licensed to practice medicine and surgery.";

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"; also in line 2, after the second semicolon by inserting "reports relating thereto;"; and the bill be passed as amended.

Committee on **Ways and Means** begs leave to submit the following report:

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

By the Governor:

Kansas Public Employment Retirement System: K.S.A. 74-4905

Kelly Arnold, to fill a term expiring on January 15, 2021

Also, begs leave to submit the following report:

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

MARCH 23, 2017

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By the Governor:
Kansas Development Finance Authority: K.S.A. 74-8903
Nancy Toelkes, to fill a term expiring on January 15, 2019

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 24, 2017.

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 24, 2017, 8:00 a.m.

The Senate was called to order by Vice President Longbine.
The roll was called with 35 senators present.
Senators Fitzgerald, LaTurner, Masterson, Olson and Suellentrop were excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, thanks for giving us another week to serve. As we move into the weekend, guide and guard us with Your powerful Hand. Put a hedge of protection around our vehicles. Help us find things well as we look in on loved ones, friends and family. You said in Psalm 127:1 "If the Lord does not build the house, it is useless for the builders to work on it and if the Lord does not protect a city, it is useless for the guard to stay alert."

So, Lord, let the umbrella of Your Sovereign protective grace be over all that we do this weekend.

While we're gone, recharge our batteries. Renew, refresh and return us re-energized. I thank You for this time, that we can take a break. 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 239, AN ACT concerning scrap metal; relating to regulation of scrap metal dealers; making certain provisions unenforceable until January 1, 2019; amending K.S.A. 2016 Supp. 50-6,109a, 50-6,109b, 50-6,109c, 50-6,109d, 50-6,109e, 50-6,109f, 50-6,110, 50-6,112a and 50-6,112b and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 238**.

Federal and State Affairs: **HB 2313**.

Financial Institutions and Insurance: **HB 2289**.

Public Health and Welfare: **HB 2232**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Vicki Schmidt in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2353, HB 2356.**

Announcing passage of **SB 26, SB 110, SB 154.**

The House accedes to the request of the Senate for a conference on **SB 14** and has appointed Representatives Vickrey, Dove and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 20** and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 51** and has appointed Representatives Hawkins, Concannon and Wilson as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2353, HB 2356 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **HB 2158**, as amended by House Committee of the Whole, be amended on page 1, in line 8, by striking the first "the" and inserting "any"; also in line 8, after "place" by inserting "within the county"; in line 19, after "before" by inserting "the close of the polls on";

On page 6, following line 33, by inserting:

"Sec. 6. K.S.A. 2016 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where the person is a resident, or where the person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

(1) The voter is unable or refuses to provide current and valid identification; or

(2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the

meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in both even-numbered and odd-numbered years, between April 1 of such year and the ~~last business day~~ Tuesday of the week preceding such primary election.

(2) For the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the ~~last business day~~ Tuesday of the week preceding such general election.

(3) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(4) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the ~~last business day~~ Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the ~~county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days~~ one week before such election.

(5) For any special election of officers, at such time as is specified by the secretary

of state.

~~(6) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.~~

The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer

stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered and odd-numbered year, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.";

Also on page 6, in line 35, after "Supp." by inserting "25-1122 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "Supp." by inserting "25-1122 and"; and the bill be passed as amended.

Also, **HB 2256**, as amended by House Committee, be amended on page 1, in line 16, by striking "250" and inserting "100"; and the bill be passed as amended.

HB 2333, as amended by House Committee, be amended on page 1, by striking all in lines 18 through 20; in line 21, by striking all before the period and inserting "one contested race for federal office and one contested race for Kansas legislative office"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 138** be amended on page 3, in line 3, after "days" by inserting ", or 180 days as provided in subsection (10),"; in line 16, after "days" by inserting ", or 180 days as provided in subsection (10),"; in line 36, after "days" by inserting ", or 180 days as provided in subsection (10),"; in line 42, after "days" by inserting ", or 180 days as provided in subsection (10),";

On page 4, in line 2, by striking "subsection (7)" and inserting "subsections (7) and (10)";

On page 5, in line 7, by striking "substitute teachers or"; in line 28, after "thereto" by inserting ", to the extent that any such amount paid is included in federal adjusted gross income and subject to federal income taxation";

On page 6, in line 11, after the first comma by inserting "subsection (10)";

On page 7, in line 5, by striking "substitute teachers or"; in line 30, by striking all after "(d)"; by striking all in lines 31 through 43;

On page 8, by striking all in lines 1 through 31; in line 32, by striking "(f)"; by striking all in lines 40 through 43;

On page 9, by striking all in lines 1 through 6; in line 10, after the comma by inserting "or the 180-day waiting period under subsection (10),"; following line 27, by inserting:

"(10) (a) Notwithstanding the provisions of subsection (5) or (7) to the contrary, for

any retirant whose retirement date is on or after January 1, 2018, who is retired more than 60 days, if such retirant's age on the date of retirement is age 62 or older, or is retired more than 180 days, if such retirant's age on the date of retirement is less than age 62, and who is subsequently hired in a covered position, as defined in K.S.A. 2016 Supp. 74-49,202, and amendments thereto, such retirant 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 a 30% employer contribution based on the retirant's compensation during any such period of employment, except that for retirants who are members of the legislature or other elected officials, the participating employer shall pay to the system the statutorily prescribed employer contribution rate.

(b) Notwithstanding the provisions of subsection (5) or (7) to the contrary, for any retirant whose retirement date is on or after January 1, 2018, who is retired more than 60 days, if such retirant's age on the date of retirement is age 62 or older, or is retired more than 180 days, if such retirant's age on the date of retirement is less than age 62, and who is subsequently hired in a non-covered position, such retirant 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 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 age 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 age 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) 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.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 9, in line 33, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,";

On page 10, in line 4, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,"; in line 11, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,"; in line 16, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,";

On page 11, in line 7, by striking "The"; by striking all in line 8; in line 9, by striking

all before "The"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2069** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) A hiring agency shall require each applicant interviewed by such agency for a law enforcement officer position who has been employed by another state or local law enforcement agency or governmental agency to execute a written waiver that: (1) Explicitly authorizes each state or local law enforcement agency or governmental agency that has employed the applicant to disclose the applicant's files to the hiring agency; and (2) releases the hiring agency and each state or local law enforcement agency or governmental agency that employed the applicant from any liability related to the use and disclosure of the applicant's files. An applicant who refuses to execute the written waiver shall not be considered for employment by the hiring agency. The hiring agency shall include the written waiver with each request for information submitted to a state or local law enforcement agency or governmental agency that has employed the applicant.

(b) Except as provided in subsection (c), a state or local law enforcement agency or governmental agency that receives a written waiver described in subsection (a) shall disclose the applicant's files to the hiring agency not more than 21 days after such receipt. Such law enforcement agency or governmental agency may choose to disclose the applicant's files by either: (1) Providing copies to the hiring agency; or (2) allowing the hiring agency to review the files at the law enforcement agency's office or governmental agency's office.

(c) (1) A state or local law enforcement agency or governmental agency is not required to disclose the applicant's files pursuant to subsection (b) if such agency is prohibited from providing the files pursuant to a binding nondisclosure agreement to which such agency is a party, and such agreement was executed before July 1, 2017.

(2) A state or local law enforcement agency or governmental agency is required to disclose the applicant's files pursuant to subsection (b) if such files are subject to a binding nondisclosure agreement to which such agency is a party, and such agreement was executed on or after July 1, 2017, but the disclosure shall be limited to files necessary to determine the qualifications and fitness of the applicant for performance of duties in a law enforcement officer position.

(3) A state or local law enforcement agency or governmental agency may redact personally identifiable information of persons other than the applicant in files disclosed to the hiring agency.

(d) A state or local law enforcement agency or governmental agency shall not be liable for complying with the provisions of this section in good faith or participating in an official oral interview with an investigator regarding the applicant.

(e) Files obtained pursuant to this section shall not be disclosed by the hiring agency, except as necessary for such agency's internal hiring processes.

(f) Files obtained pursuant to this section shall constitute, for the purposes of the open records act, a record of the state or local law enforcement agency or governmental agency that made, maintained or kept such files. Such files shall not be subject to a request for inspection and copying under the open records act directed toward the hiring agency obtaining the files, and shall not be subject to discovery, subpoena or other process directed toward the hiring agency obtaining the files. The official custodian of such files, for the purposes of the open records act, shall be the official custodian of the

records of such state or local law enforcement agency or governmental agency.

(g) As used in this section:

(1) "Files" means all performance reviews or other files related to job performance, commendations, administrative files, grievances, previous personnel applications, personnel-related claims, disciplinary actions, internal investigation files, suspensions, investigation-related leave, documents concerning termination or other departure from employment, all complaints and all early warning information. "Files" shall not include nonperformance documents or data, including, but not limited to, medical files, schedules, pay and benefit information or similar administrative data or information. "Early warning information" means information from a data-based management tool designed to identify officers who may be exhibiting precursors of problems on the job that can result in providing those officers with counseling or training to divert them away from conduct that may become a disciplinary matter.

(2) "Governmental agency" means the state or subdivision of the state with oversight of the state or local law enforcement agency.

(3) "Hiring agency" means a state or local law enforcement agency processing an application for employment, regardless of whether the applicant is ultimately hired.

(4) "State or local law enforcement agency" means any public agency employing a law enforcement officer as defined in K.S.A. 74-5602, and amendments thereto.

Sec. 2. K.S.A. 2016 Supp. 45-220 is hereby amended to read as follows: 45-220.

(a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2016 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requester has a right of access to the records and the basis of that right; or

(2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

(g)(1) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system which are maintained by the Kansas bureau of investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

~~(h)(2)~~ (2) As used in this ~~section~~ subsection, the terms "central repository," "criminal justice agency" and "criminal justice information system" have the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

(h) Requests for records defined as "files" pursuant to section 1, and amendments thereto, submitted to a state or local law enforcement agency or governmental agency shall be directed to the state or local law enforcement agency or governmental agency that made, maintained or kept such files, as required by section 1, and amendments thereto.

Sec. 3. K.S.A. 2016 Supp. 48-3602 is hereby amended to read as follows: 48-3602.

(a) The chief law enforcement executive for any law enforcement agency, ~~or~~ such executive's designee, the secretary of corrections or the secretary's designee may request assistance from a law enforcement agency or a department of corrections of another jurisdiction, including a jurisdiction located outside the state of Kansas, but within the United States.

(b) If a law enforcement officer makes an arrest or apprehension outside such officer's jurisdiction, the offender shall be delivered to the first available law enforcement officer who is commissioned in the jurisdiction in which the arrest was made. The officer making the initial arrest or apprehension shall assist in the preparation of any affidavits filed with the complaint or based on other evidence that

there is probable cause to believe that both a crime has been committed and the defendant has committed such crime.

(c) For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency. The Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto, and the Kansas workers compensation act, K.S.A. 44-501 et seq., and amendments thereto, shall be interpreted consistent with the provisions of this section.

(d) Nothing in this section shall be construed to limit the actions of law enforcement officers or agencies conducted pursuant to K.S.A. 19-828, and amendments thereto.

(e) The provisions of article 24 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 21-5220 et seq., and amendments thereto, are applicable to any law enforcement officers from jurisdictions located outside the state of Kansas, but within the United States who are acting pursuant to a request made under this section.

(f) For purposes of this section, the term "law enforcement officer" shall have the same meaning as that term is defined by K.S.A. 74-5602, and amendments thereto, or a law enforcement officer who has obtained a similar designation to one described in K.S.A. 74-5602, and amendments thereto, in a jurisdiction outside the state of Kansas, but within the United States.";

On page 2, in line 35, after "Supp." by inserting "45-220, 48-3602 and"; also in line 35, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "law enforcement; relating to hiring practices and consideration of prior employment records; open records act; requests for law enforcement assistance from jurisdictions located outside the state of Kansas"; also in line 1, by striking all after the semicolon; in line 2, by striking "definitions"; in line 3, after "Supp." by inserting "45-220, 48-3602 and"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **HB 2085**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 22-3504 is hereby amended to read as follows: 22-3504. (1) The court may correct an illegal sentence at any time. 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) 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) "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."

On page 13, in line 22, before "K.S.A." by inserting "K.S.A. 22-3504 and"; also in line 22, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "post-trial motions, correction of sentence;"; in line 3, after "amending" by inserting "K.S.A. 22-3504 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2092 be amended on page 14, following line 38, by inserting:

"Sec. 13. K.S.A. 2016 Supp. 22-2302 is hereby amended to read as follows: 22-2302. (a) If the magistrate finds from the complaint, or from an affidavit or affidavits filed with the complaint or from sworn testimony, that there is probable cause to believe both that a crime has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue, except that a summons instead of a warrant may be issued if: (1) The prosecuting attorney so requests; or (2) in the case of a complaint alleging commission of a misdemeanor, the magistrate determines that a summons should be issued. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.

(b) For a warrant or summons executed prior to July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.

(c) (1) For a warrant or summons executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section shall not be open to the public until the warrant or summons has been executed. After the warrant or summons has been executed, such affidavits or sworn testimony shall be made available to:

(A) The defendant or the defendant's counsel, when requested, for such disposition as either may desire; and

(B) any person, when requested, in accordance with the requirements of this subsection.

(2) Any person may request that affidavits or sworn testimony be disclosed by filing such request with the clerk of the court. Upon entry of appearance by an attorney on behalf of the defendant, or indication by the defendant to the court that such defendant will represent the defendant's self, the clerk of the court shall promptly notify the defendant or the defendant's counsel, the prosecutor and the magistrate that such request was filed. The prosecutor shall promptly notify any victim. For the purposes of this subsection, victim shall include any victim of an alleged crime that resulted in the issuance of the arrest warrant, or, if the victim is deceased, the victim's family, as defined in K.S.A. 74-7335, and amendments thereto.

(3) Within five business days after receiving notice of a request for disclosure from the clerk of the court, the defendant or the defendant's counsel and the prosecutor may

submit to the magistrate, under seal, either:

(A) Proposed redactions, if any, to the affidavits or sworn testimony and the reasons supporting such proposed redactions; or

(B) a motion to seal the affidavits or sworn testimony and the reasons supporting such proposed seal.

(4) The magistrate shall review the requested affidavits or sworn testimony and any proposed redactions or motion to seal submitted by the defendant, the defendant's counsel or the prosecutor. The magistrate shall make appropriate redactions, or seal the affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:

(A) Jeopardize the physical, mental or emotional safety or well-being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;

(B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;

(C) interfere with any prospective law enforcement action, criminal investigation or prosecution;

(D) reveal the identity of any confidential source or undercover agent;

(E) reveal confidential investigative techniques or procedures not known to the general public;

(F) endanger the life or physical safety of any person;

(G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2016 Supp. 21-6419 through 21-6422, and amendments thereto;

(H) reveal the name of any minor;

(I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information; or

(J) constitute a clearly unwarranted invasion of personal privacy. As used in this subparagraph, "clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person and is totally unrelated to the alleged crime that resulted in the issuance of the arrest warrant, including information totally unrelated to the alleged crime that may pose a risk to a person or property and is not of legitimate concern to the public. The provisions of this subparagraph shall only be used to redact and shall not be used to seal affidavits or sworn testimony.

(5) Within five business days after receiving proposed redactions or a motion to seal from the defendant, the defendant's counsel or the prosecutor, or within 10 business days after receiving notice of a request for disclosure, whichever is earlier, the magistrate shall either:

(A) Order disclosure of the affidavits or sworn testimony with appropriate redactions, if any; or

(B) order the affidavits or sworn testimony sealed and not subject to public disclosure.

(6) (A) If the magistrate orders disclosure of the affidavits or sworn testimony with

appropriate redactions, if any, to any person in accordance with the requirements of this subsection, then such affidavits or sworn testimony shall become part of the court record and shall be accessible to the public.

(B) If the magistrate orders the affidavits or sworn testimony sealed and not subject to public disclosure in accordance with the requirements of this subsection, then such affidavits or sworn testimony shall become part of the court record that is not accessible to the public.

(C) Any request for disclosure of affidavits or sworn testimony in accordance with the requirements of this subsection shall become part of the court record and shall be accessible to the public, regardless of whether the magistrate orders disclosure with appropriate redactions, if any, or sealing of the requested affidavit or sworn testimony.

Sec. 14. K.S.A. 2016 Supp. 22-3716 is hereby amended to read as follows: 22-3716. (a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (e) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (e), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written or verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. A written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) (1) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction.

(2) Unless the defendant, after being apprised of the right to a hearing by the supervising court services or community correctional services officer, waives such hearing, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other

evidence presented at the hearing.

(3) (A) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2016 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. 2016 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may:

(i) Continue or modify the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and impose confinement in a county jail not to exceed 60 days. If an offender is serving multiple probation terms concurrently, any confinement periods imposed shall be imposed concurrently;

(ii) impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during the term of supervision; or

(iii) revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed.

(4) Except as otherwise provided, if the defendant waives the right to a hearing and the sentencing court has not specifically withheld the authority from court services or community correctional services to impose sanctions, the following sanctions may be imposed without further order of the court:

(A) If the defendant was on probation at the time of the violation, the defendant's supervising court services officer, with the concurrence of the chief court services officer, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(B) and (c)(1)(B) shall not exceed 18 total days during the term of supervision; and

(B) if the defendant was assigned to a community correctional services program at the time of the violation, the defendant's community corrections officer, with the concurrence of the community corrections director, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (c)(1)(B) shall not exceed 18 total days during the term of supervision.

(c) (1) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2016 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the following sanctions:

(A) Continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction;

(B) continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and an intermediate sanction of confinement in a county jail to be

imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during the term of supervision;

(C) if the violator already had at least one intermediate sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 120 days, subject to a reduction of up to 60 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7);

(D) if the violator already had a sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 180 days, subject to a reduction of up to 90 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7); or

(E) if the violator already had a sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) related to the crime for which the original supervision was imposed, revocation of the probation, assignment to a community corrections services program, suspension of sentence or nonprison sanction and requiring such violator to serve the sentence imposed, or any lesser sentence and, if imposition of sentence was suspended, imposition of any sentence which might originally have been imposed.

(2) Except as otherwise provided in subsections (c)(3), (c)(8) and (c)(9), no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already had at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed.

(3) The provisions of subsection (c)(2) shall not apply to adult felony offenders as described in 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. 2016 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(6) Except as provided in subsection (f), upon completion of a violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) such offender shall return to community correctional services supervision. The sheriff shall not be responsible for the return of the offender to the county where the community correctional services supervision is assigned.

(7) A violation sanction imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) shall not be longer than the amount of time remaining on the offender's underlying prison sentence.

(8) (A) If the offender commits a new felony or misdemeanor while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D).

(B) If the offender absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may:

(i) Revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D); or

(ii) sanction the offender under subsection (c)(1)(A), (c)(1)(C) or (c)(1)(D) without imposing a sanction under (c)(1)(B).

(9) The court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) if:

(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. 2016 Supp. 21-6815, and amendments thereto.

(10) If an offender is serving multiple probation terms concurrently, any violation sanctions imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D), or any sanction imposed pursuant to subsection (c)(11), shall be imposed concurrently.

(11) If the original crime of conviction was a felony, except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2016 Supp. 8-1025, and amendments thereto, and the court makes a finding that the offender has committed one or more violations of the release conditions of the probation, assignment to a community correctional services program,

suspension of sentence or nonprison sanction, the court may impose confinement in a county jail not to exceed 60 days upon each such finding. Such confinement is separate and distinct from the violation sanctions provided in subsection (c)(1)(B), (c)(1)(C), (c)(1)(D) and (c)(1)(E) and shall not be imposed at the same time as any such violation sanction.

(12) The violation sanctions provided in this subsection shall apply to any violation of conditions of release or assignment or a nonprison sanction occurring on and after July 1, 2013, regardless of when the offender was sentenced for the original crime or committed the original crime for which sentenced.

(d) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(e) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(f) For crimes committed on and after July 1, 2013, a felony offender whose nonprison sanction is revoked pursuant to subsection (c) or whose underlying prison term expires while serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) shall serve a period of postrelease supervision upon the completion of the prison portion of the underlying sentence.

(g) Offenders who have been sentenced pursuant to K.S.A. 2016 Supp. 21-6824, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.";

Also on page 14, in line 40, by striking "and" and inserting a comma; in line 41, after "6205" by inserting ", 22-2302 and 22-3716";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "warrants, disclosure of affidavits or sworn testimony; conditions of probation, revocation;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "21-6205" by inserting ", 22-2302 and 22-3716"; and the bill be passed as amended.

HB 2240, as amended by House Committee of the Whole, be amended on page 1, in line 7, by striking "14" and inserting "15"; in line 12, after "professional" by inserting ", social worker";

On page 2, following line 16, by inserting:

"(m) "Social worker" means a person licensed under the social workers licensure

act.";

On page 9, following line 29, by inserting:

"New Sec. 15. (a) On or before January 1, 2018, the department for aging and disability services shall adopt rules and regulations requiring reporting of information from each crisis intervention center. The information required shall include, but not be limited to, the following:

(1) The total number of people detained pursuant to the crisis intervention act:
 (A) By law enforcement;
 (B) by written application of an adult; and
 (C) that were detained more than one time in the reporting period, including the total number of times each person was detained.

(2) The total number of people released:
 (A) Immediately following the evaluation by the behavioral health professional;
 (B) between four and 24 hours after admission;
 (C) between 24 and 48 hours after admission;
 (D) between 48 and 72 hours after admission; and
 (E) more than 72 hours after admission and before a commitment proceeding filed pursuant to K.S.A. 59-2957 or 59-29b57, and amendments thereto, was completed. This number shall include the total number of hours each person was detained if such person was detained for more than 72 hours.

(3) The total number of people detained who were the subject of a commitment proceeding filed pursuant to K.S.A. 59-2957 or 59-29b57, and amendments thereto, who filed such petition and the result of such petition.

(4) The total number of people detained who accessed peer supports during such detention.

(5) The total number of serious injuries to or deaths of people detained pursuant to the crisis intervention act.

(b) The department for aging and disability services shall prepare a report, beginning in 2019, that compiles the information reported by each crisis intervention center. The department shall provide such report to the governor and the standing committees on judiciary in the senate and the house of representatives annually, before the beginning of the regular legislative session. The department shall also publish such report on its website annually, before the beginning of the regular legislative session.";

On page 15, in line 14, after "professional" by inserting a comma;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2026** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2026," as follows:

"Senate Substitute for HOUSE BILL No. 2026

By Committee on Public Health and Welfare

"AN ACT concerning the Kansas program of medical assistance; process and contract requirements; claims appeals.";

And the substitute bill be passed.

Also, **HB 2027** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2027," as follows:

"Senate Substitute for HOUSE BILL No. 2027

By Committee on Public Health and Welfare

"AN ACT concerning the healing arts; relating to anatomic pathology billing; institutional licenses; licensee reporting; amending K.S.A. 2016 Supp. 65-2837, 65-2895 and 65-2898 and repealing the existing sections.";

And the substitute bill be passed.

HB 2055 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2055," as follows:

"Senate Substitute for HOUSE BILL No. 2055

By Committee on Public Health and Welfare

"AN ACT concerning the state board of pharmacy; relating to powers, duties and functions thereof; biological products; amending K.S.A. 65-669, 65-1633, 65-1635, 65-1648, 65-1660 and 65-7007 and K.S.A. 2016 Supp. 65-1626, 65-1627, 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-1669, 65-1676, 65-2837a and 65-4202 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 65-1637b and 65-1651a.";

And the substitute bill be passed.

HB 2304, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2304," as follows:

"Senate Substitute for HOUSE BILL No. 2304

By Committee on Public Health and Welfare

"AN ACT concerning child care facilities; relating to infant sleeping equipment and sleeping areas; individuals maintaining or residing, working or volunteering in such facilities; background checks; amending K.S.A. 2016 Supp. 65-508 and 65-516 and repealing the existing sections.";

And the substitute bill be passed.

REPORT ON ENROLLED BILLS

SB 15, SB 17, SB 32, SB 66, SB 166 reported correctly enrolled, properly signed and presented to the Governor on March 24, 2017.

SR 1728, SR 1729, SR 1730, SR 1731 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 24, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 20 through 24, 2017:

Senator Alley: congratulating Clemma Stone on her induction into the KSHSAA Hall of Fame;

Senator Billinger: congratulating Gerard Wellbrock on being named the 2016 Kansas Sportscaster of the Year;

Senator Bowers: congratulating Gary Kay on being named the Minneapolis Chamber of Commerce 2016 Citizen of the Year, congratulating Fat Boy Heaven on being named the Minneapolis Chamber of Commerce 2016 Most Improved Chamber Business of the Year, congratulating Porter Hotel-House on being added to the National Register of Historic Places, congratulating Kim Thomas on her induction into the Kansas African American Museum Hall of Fame;

Senator Faust-Goudeau: recognizing the Missionary Baptist State Convention of Kansas;

Senator Hardy: congratulating McKinley Intermediate Elementary School on receiving the National Blue Ribbon School Award; and

Senator Tyson: recognizing Erica Self on her outstanding academic and athletic success at Topeka High School.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, March 27, 2017.

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 27, 2017, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Petersen was excused.

The Vice President introduced guest chaplain, Reverend Dr. Martha Murchison, Sunrise Presbyterian Church, Salina to deliver the invocation:

Almighty God, under Your law we live and by your will we govern ourselves. We come this morning to thank You for this great state. You bless us with a land of rolling prairies and blue skies which expand our imaginations and our vision of what can be. We thank You for Kansans: men, women and children who strive and work to make this state a good place to live. We thank You for these leaders who are dedicated to duty and to seeking good in this state. We lift up those who offer their time for just and right causes and who place the needs of our fellow citizens as highly as their own. We ask Your blessing to be upon these senators as they deliberate today. Give them a spirit of wisdom and understanding that they might perceive the truth and work to meet the needs of people. Open their hearts to the cares and concerns of the people they represent. Remind them of the future of the children they serve. Fill them with energy, intelligence, imagination and love for their work today and in the coming months. Remind us all of the great blessing of working together for the common good of Your people. Lead us always in that direction. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 239**.

Ways and Means: **HB 2353, HB 2356**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

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 LaTurner in the chair.

HB 2219 be passed.

SB 217; HB 2025 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2026** recommending **S Sub HB 2026** be adopted, and the substitute bill be passed.

The committee report on **HB 2027** recommending **S Sub HB 2027** be adopted, and the substitute bill be passed.

The committee report on **HB 2055** recommending **S Sub HB 2055** be adopted, be amended by motion of Senator V. Schmidt; on page 22, in line 14, after the period by inserting "Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law,";

On page 25, in line 23, after "(n)" by inserting "Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law," and **S Sub HB 2055** be passed as amended.

On motion of Senator Denning, the Senate recessed until 2:30 p.m.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2182; Sub HB 2194; HB 2273**.

Announcing passage of **SB 36, SB 63**.

Announcing passage of **SB 16**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2182; Sub HB 2194; HB 2273 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Bollier and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1732—

A RESOLUTION concerning influenza.

WHEREAS, Influenza can be life-threatening for people 65 years of age and older because it has long been recognized that people of this age group are at greater risk for serious complications from the flu compared to other age groups; and

WHEREAS, It has been estimated that 90% of seasonal flu-related deaths and more than 60% of seasonal flu-related hospitalizations in the United States occur each year in people 65 years of age and older; and

WHEREAS, Influenza is the most frequent cause of death for a vaccine-preventable disease in the United States; and

WHEREAS, Strategies that focus on providing routine vaccination to persons at higher risk for influenza complications have long been recommended; and

WHEREAS, The most effective strategy for preventing influenza is annual vaccination: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate recognizes the

importance of protecting at-risk Kansans against this dangerous and potentially deadly disease; and

Be it further resolved: That the Senate strongly encourages outreach efforts of state government, and specifically the Department of Health and Environment and the Kansas Department for Aging and Disability Services, to educate the public concerning influenza and provide information about influenza, along with the risks and benefits of vaccination; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Governor, the Secretary of Health and Environment, and the Secretary for Aging and Disability Services.

On emergency motion of Senator Bollier **SR 1732** was adopted by voice vote.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for further consideration of bills on the calendar under the heading of General Orders with Senator LaTurner in the chair.

On motion of Senator LaTurner, the morning report and the following afternoon report were adopted.

HB 2217, HB 2312 be passed.

An amendment was offered by Senator Haley on **HB 2217**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules ruled the amendment not germane.

An amendment was offered by Senator Francisco on **HB 2312**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules ruled the amendment not germane.

HB 2030, HB 2212, HB 2213 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2044 be passed.

Upon the showing of five hands a roll call vote was requested to advance **HB 2044** to final action.

On roll call, the vote was: Yeas 25; Nays 13; Present and Passing 0; Absent or Not Voting 2.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Denning, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wagle.

Absent or Not Voting: Petersen, Tyson.

A motion by Senator Pilcher-Cook to amend **HB 2044** failed and the following amendment was rejected; on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 23; following line 23, by inserting:

"Section 1. Subject to appropriations, the secretary for aging and disability services shall expend all moneys necessary to provide services to all individuals on the waiting list, as of July 1, 2017, for services under the following home and community based services waivers under the Kansas program of medical assistance: Autism; frail elderly; intellectual and developmental disability; physical disability; serious emotional disturbance; technology assisted; and traumatic brain injury.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "the"; by striking all in line 2; in line 3, by striking all before the period and inserting "Kansas program of medical assistance; relating to home and community based services; expenditure of moneys"

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 0; Absent or Not Voting 2.

Yeas: Baumgardner, Billinger, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wilborn.

Nays: Alley, Berger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Pilcher-Cook to amend **HB 2044** failed and the following amendment was rejected; on page 1, in line 6, after "13" by inserting "and 15";

On page 3, in line 10, after the period by inserting "Except as provided in section 15, and amendments thereto,";

On page 4, in line 11, after the period by inserting "Except as provided in section 15, and amendments thereto,";

On page 7, following line 23, by inserting:

"Sec. 15. All moneys generated from enactment and implementation of the KanCare bridge to a healthy Kansas program, including any federal matching moneys and any moneys remitted pursuant to sections 7 and 8, and amendments thereto, shall be expended:

(a) First, for the purpose of providing state medicaid services under the Kansas program of medical assistance to individuals who were eligible for such services prior to enactment of the KanCare bridge to a healthy Kansas program, but who were not receiving such services; and

(b) then, if moneys remain, pursuant to sections 7 and 8, and amendments thereto, as applicable, and for the purpose of providing services under the KanCare bridge to a healthy Kansas program.";

And by renumbering sections accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 25; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wilborn.

Nays: Berger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Pilcher-Cook to amend **HB 2044** failed and the following amendment was rejected; on page 7, following line 23, by inserting:

"Sec. 15. Notwithstanding any other provision of law to the contrary, no state moneys or matching federal moneys allocated for state medicaid services under the Kansas program of medical assistance shall be expended for reimbursement to any non-

public entity provider that provides family planning services but does not provide comprehensive primary and preventative care services.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "programs" by inserting "; expenditure of moneys".

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 18; Nays 20; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Kerschen, LaTurner, Longbine, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Baumgardner to amend **HB 2044** failed and the following amendment was rejected; on page 1, in line 12, before "For" by inserting "(a)"; following line 20, by inserting: "(b) For purposes of eligibility determinations under the KanCare bridge to a healthy Kansas program, priority shall be given to individuals with mental health conditions, alcohol or drug abuse conditions or physical, mental or other disabilities."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 25; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, Kerschen, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wilborn.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Pyle to amend **HB 2044** failed and the following amendment was rejected; on page 1, in line 12, before "For" by inserting "(a)"; following line 20, by inserting:

"(b) Eligibility under the KanCare bridge to a healthy Kansas program shall be denied to any individual whose residence is within any city or county that:

(1) Limits or prohibits any city or county official or employee from communicating or cooperating with any federal agency or official to verify or report the immigration status of any alien within such city or county;

(2) grants the right of lawful presence within the city or county to any alien unlawfully present in the United States in violation of federal law;

(3) violates any provision of 8 U.S.C. § 1373, as in effect on the effective date of this section;

(4) restricts in any way, or imposes any conditions on, a city or county's cooperation or compliance with detainers or other requests from United States immigration and customs enforcement to maintain custody of any alien or to transfer

any alien to the custody of United States immigration and customs enforcement;

(5) requires United States immigration and customs enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from United States immigration and customs enforcement to maintain custody of any alien or to transfer any alien to the custody of United States immigration and customs enforcement; or

(6) prevents a city or county's law enforcement officers from inquiring as to the citizenship or immigration status of any person."

A ruling of the chair was requested as to the germaneness of the amendment. The Subcommittee on Rules ruled the amendment was germane to the bill.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 25; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wagle, Wilborn.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Pilcher-Cook to amend **HB 2044** was withdrawn.

S Sub HB 2304 be passed over and retain a place on the calendar.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 16** and requested a conference committee be appointed.

The President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 121**, **SB 158**, **SB 226**, be passed.

Also, **SB 76** be amended on page 1, in line 11, by striking all after "(3)"; in line 12, by striking "(4)"; in line 22, after the second "spouses" by inserting ", members of the national guard and their spouses"; in line 24, by striking all after "(b)"; by striking all in lines 25 through 36;

On page 2, by striking all in lines 1 through 11; in line 12, by striking "(d)"; also in line 12, by striking "and political subdivision"; by striking all in lines 21 through 36;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

HB 2313, as amended by House Committee of the Whole, be amended on page 13, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

SR 1723; **HCR 5003** be adopted.

Committee on **Ways and Means** recommends **SB 189** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 189," as follows:

"Substitute for SENATE BILL No. 189
By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 12-5256, 55-193, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804, 82a-953a and repealing the existing sections.";

And the substitute bill be passed.

REPORT ON ENROLLED BILLS

SB 68 reported correctly enrolled, properly signed and presented to the Governor on March 27, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, March 28, 2017.

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 28, 2017, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Petersen was excused.

Invocation by Reverend Cecil T. Washington:

Dear Lord, You've been very good to us. We thank You that, in Your divine providence, You've seen fit to give us another day to serve in these halls.

Another day, another work week and almost another month.

There are many who started this journey years ago and have given much of themselves in service to Your people.

Some have moved on to other things, while some have been called into their after-life.

But we want to thank You for those that are still here and still in service today. Thank You for the longevity and allegiance of those like Senator Hensley, and for the 20 plus years of Senator Haley and for the first female President and her endurance, Susan Wagle. Thank You Lord for all our senators.

But, not only the senators, thanks for all those that are supporting and protecting their work.

We thank You that even though differences of opinion may arise, whether among members of the same party or with those on the other side, we can look to You to bring about harmony in spite of differences.

Lastly, Lord, please bless, and thank You for the citizens of this great State.

I offer this prayer in the precious Name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by Vice President.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to share the following:

My dedicated colleagues, my record in the House and Senate for the past seven years reflects how seriously I take my commitment to you and my constituents. Yesterday, I left the Capitol to attend a funeral service for someone very special to me. I have never missed a roll call vote in the Senate until yesterday and want to take this opportunity to thank my good colleagues for their support and understanding during this difficult loss.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2182**.

Transportation: **Sub HB 2194**.

Utilities: **HB 2273**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1733—

A RESOLUTION commemorating Bethany College's 135 years of educational service to the City of Lindsborg and to the entire state of Kansas.

WHEREAS, Swedish immigrants, inspired by their commitment to educate those without access to education, established Bethany College in 1881 and started a long tradition of quality education in Kansas; and

WHEREAS, Bethany College is affiliated with the Evangelical Lutheran Church in America; and

WHEREAS, Bethany College is located in Lindsborg, Kansas, the Fine Arts and Crafts Capital of Kansas, and offers students the opportunity to live and study in one of Kansas' most distinctive communities. Lindsborg abounds with artist studios, art galleries, craft shops, import gift shops and other attractions, such as the Birger Sandzén Memorial Gallery, located on the Bethany campus, the Lester Raymer Red Barn Studio, and the McPherson County Old Mill Museum and historical complex; and

WHEREAS, Bethany College's cultural impact in the area includes the longest-running presentation of Handel's "Messiah" in the United States, which has run for 136 consecutive years, and being the home of Bethany Oratorio Society, which consists of more than 320 members from communities across Central Kansas. Its wide selection of theatrical offerings, gallery art exhibitions, and lectures, which include the annual Pearson Distinguished Professor of Swedish Studies lecture series, all add to the cultural fabric of the Smoky Valley; and

WHEREAS, Bethany College is home to Presser Hall Auditorium, which was built in 1928 and is recognized as one of the finest music facilities in the United States. Today, Presser Hall serves as the mainstage for the Bethany Oratorio Society and many other college and community cultural productions. It also houses the Thomson-Mingenback Concert Organ, one of the largest pipe organs in the central United States, which has more than 4,000 pipes that range in size from 8 inches to 32 feet; and

WHEREAS, There are more than 4,500 Bethany College alumni who live in Kansas, including more than 1,300 who reside in McPherson and Saline counties. Bethany College alumni are successful in many areas. They include 610 alumni who serve as teachers, coaches or administrators in Kansas schools, 74 who serve as doctors, dentists, veterinarians and pharmacists in Kansas, and hundreds of business leaders throughout Kansas; and

WHEREAS, Bethany alumni, serving Kansas as successful professionals, who love God and love people include: Terry Holdren, CEO/General Counsel of the Kansas Farm Bureau and recently appointed governor's task force member; Sarah Schiltz, the

youngest female partner in the history of MarksNelson in Kansas City; Matt Allen, city manager of Garden City; Collin Carlson, a Salina South High School teacher who was awarded the Horizon Teacher of the Year award in 2015; Art Newcomer, a retired Kansas education administrator and athletic director; Dr. Keir Swisher, director of emergency medicine at Salina Regional Health Center; and Dr. Justin Klaassen, a trauma surgeon in Salina; and

WHEREAS, Bethany alumni business leaders include Ron Paulseen, owner of Paulseen Financial Group, Wichita; Ross and Grant Tidemann, real estate brokers with J.P. Weigand & Sons, Inc., Wichita; agri-leaders Vance and Louise Ehmke, Healy; Ed and Nelson Newcomer, owners of the D.H. Pace Company's Overhead Door Group, Olathe; and Mark Houghton, owner of Central Plastics, Inc., McPherson; and

WHEREAS, Bethany alumni also serve as elected officials in Kansas and include Susan Concannon, Beloit, a member of the Kansas House of Representatives representing the 107th District; and

WHEREAS, Bethany College contributes to the economic well-being of Central Kansas by adding more than \$15 million annually to the regional economy through more than 700 students from 38 states and 22 countries, more than 100 full-time faculty and staff, and nearly 70 part-time faculty and staff; and

WHEREAS, The mission of Bethany College is to educate, develop and challenge individuals to seek truth and excellence as they lead lives of faith, learning and service. All those associated with Bethany College – students, faculty, staff and alumni – are united behind Bethany's core values of integrity, hospitality, community, servant leadership and sustainability. These are the values at the heart of the Bethany College experience: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate Bethany College's 135 years of educational service to the City of Lindsborg and to the entire state of Kansas; and

Be it further resolved: That we are honored to offer Bethany College sincere congratulations and wish the college many more successful years; 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 1733** was adopted by voice vote.

Senators honored the guests representing Bethany College with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 217, AN ACT concerning the Kansas department for aging and disability services; updating certain statutory references and making technical changes related thereto; amending K.S.A. 19-4016, 40-2,116, 40-12a01 and 74-3292 and K.S.A. 2016 Supp. 12-736, 21-5417, 21-6109, 22-4612, 36-501, 39-1430, 39-1431, 39-1433, 39-1602, 39-1903, 40-2,105, 40-2,105a, 40-3401, 40-3403, 59-2946, 59-29b46, 59-3077, 65-1626, 65-1669, 65-2895, 65-4412, 65-4432, 65-4915, 65-4921, 65-5601, 65-6805, 75-5923, 75-6102, 79-201b 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Petersen.

The bill passed, as amended.

HB 2025, AN ACT concerning the board of nursing; relating to assistant attorneys general; reinstatement of licenses; fees; mental health technician's licensure act; amending K.S.A. 65-4203, 65-4208 and 74-1111 and K.S.A. 2016 Supp. 65-1118, 65-4202 and 65-4212 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Petersen.

The bill passed, as amended.

S Sub HB 2026, AN ACT concerning the Kansas program of medical assistance; process and contract requirements; claims appeals, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Fitzgerald, Masterson, Pilcher-Cook, Pyle, Suellentrop.

Absent or Not Voting: Petersen.

The substitute bill passed.

S Sub HB 2027, AN ACT concerning the healing arts; relating to anatomic pathology billing; institutional licenses; licensee reporting; amending K.S.A. 2016 Supp. 65-2837, 65-2895 and 65-2898 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Petersen.

The substitute bill passed.

HB 2030, AN ACT concerning the administration of vaccines; reports relating thereto; amending K.S.A. 2016 Supp. 65-1635a 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Masterson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Petersen.

The bill passed, as amended.

HB 2044, AN ACT concerning the department of health and environment; establishing the KanCare bridge to a healthy Kansas program; concerning clubhouse-based psychosocial rehabilitation programs, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 0; Absent or Not Voting 1.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Denning, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

Absent or Not Voting: Petersen.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: Until the federal government decides what is to happen with the Affordable Care Act and makes it clear on the direction for Medicaid Expansion, it is not the right time to pass it in Kansas. The cost to our state under the present financial condition is not something we can handle. The massive tax bill facing us, along with the difficult budgets that must be developed for the next two years and the new school funding formula which will cost millions more, makes this a most inopportune time for the added fiscal burden of Medicaid expansion. I understand the need for additional income opportunities for our hospitals as well as help for needy Kansans in the gap, but I think next session, we will better understand what we are taking on. Hopefully, our financial situation will be improving further, allowing for positive direction on the expansion question.—**BUD ESTES**

Senators Alley and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Estes on **HB 2044**.

Mr. Vice President: I vote "Aye" on **HB 2044** for all the ambled bodied Kansans that get up everyday and go to work for companies that work them less than 40 hours a week. Therefore, they don't qualify for insurance benefits. This bill will help them and their families. And, as it has been mentioned by expanding KanCare it will create jobs and lower health costs. Well, Mr. Vice President, I also believe that this legislation will prevent unnecessary deaths and Save Lives. And, furthermore I still believe, that whatever the cost we should put people first before profit! I vote yes on **HB 2044**.—**OLETHA FAUST-GOUDEAU**

Senators Francisco, Haley, Hawk, Hensley, Holland, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau on **HB 2044**.

Mr. Vice President: I vote Aye on **HB 2044** because it's the right thing to do. The Alvarez and Marsal efficiency study recommended that the Legislature make sure federal tax dollars paid by Kansans are coming back to fully fund services that can be provided to Kansans. Expanding Medicaid does just that. The refusal to expand Medicaid has already cost our state more than \$1.7 billion in our own tax dollars. Expanding Medicaid helps close the gap for thousands of working Kansans who earn too much to qualify for Medicaid, but not enough to afford a private health care plan. It means these Kansans gain access to preventive services, primary care, and other services. It reduces their personal debt load, which improves their credit scores, and it makes them healthier, giving them more opportunity to find and keep better jobs. Expansion also means rural hospitals, clinics, mental health centers, and other health care providers remain open by reducing the cost of uncompensated care. Further, it creates more than 3,800 new jobs. This bill is not only good for Kansans; it is good for the state of Kansas. That is why I vote Aye on **HB 2044**.—ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2044**.

S Sub HB 2055, AN ACT concerning the state board of pharmacy; relating to powers, duties and functions thereof; biological products; amending K.S.A. 65-669, 65-1633, 65-1635, 65-1648, 65-1660 and 65-7007 and K.S.A. 2016 Supp. 65-1626, 65-1627, 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-1669, 65-1676, 65-2837a and 65-4202 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 65-1637b and 65-1651a, was considered on final action.

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

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

Absent or Not Voting: Petersen.

The substitute bill passed, as amended.

HB 2212, AN ACT concerning career technical education; relating to the postsecondary technical education authority; amending K.S.A. 2016 Supp. 72-4484 and repealing the existing section, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Petersen.

The bill passed, as amended.

HB 2213, AN ACT concerning postsecondary education; relating to private and out-of-state postsecondary educational institution fees; amending K.S.A. 2016 Supp. 74-32,181 and repealing the existing section, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Petersen.

The bill passed, as amended.

HB 2217, AN ACT concerning emergency opioid antagonists; relating to standards governing the use and administration thereof; education requirements; civil and criminal liability, was considered on final action.

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

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

Absent or Not Voting: Petersen.

The bill passed.

HB 2219, AN ACT relating to diabetes information reporting, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 13; Present and Passing 1; Absent or Not Voting 1.

Yeas: Berger, Billinger, Bowers, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Olson, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Bollier, Denning, Fitzgerald, Hardy, Lynn, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: Petersen.

The bill passed.

HB 2312, AN ACT concerning agriculture; relating to administrative procedure; division of water resources; fertilizer; amending K.S.A. 2016 Supp. 2-1201b, 2-1201c, 2-1208a, 82a-737 and 82a-1901 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 82a-1902, 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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson,

Wagle, Wilborn.

Nays: Olson.

Absent or Not Voting: Petersen.

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 Bowers in the chair.

HB 2110, HB 2118, HB 2136, HB 2191 be passed.

HB 2043, HB 2067, HB 2140 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2304** recommending **S Sub HB 2304** be adopted, be amended by motion of Senator V. Schmidt; on page 2, in line 23, by striking "non-mesh" and **S Sub HB 2304** be passed as amended.

A substitute motion to return **S Sub HB 2304** to committee failed.

On motion of Senator Denning, the Senate recessed until 2:00 p.m..

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2047, HB 2280, HB 2306, HB 2386**.

Announcing passage of **SB 21**, as amended by **H Sub SB 21; SB 112**, as amended.

Announcing passage of **SB 100**.

The House nonconcurrs in Senate amendments to **HB 2079**, requests a conference and has appointed Representatives Sloan, Rahjes and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2080**, requests a conference and has appointed Representatives Sloan, Rahjes and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2096**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 16** and has appointed Representatives Vickrey, Dove and Neighbor as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2047, HB 2280, HB 2306, HB 2386 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurred in the House amendments to **H Sub SB 21** and requested a conference committee be appointed.

The President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 112** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2079**.

The President appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2080**.

The President appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for further consideration of bills on the calendar under the heading of General Orders with Senator Kerschen in the chair.

On motion of Senator Kerschen, the morning report and the following afternoon report were adopted:

HB 2329 be passed.

HB 2102 be amended by motion of Senator Fitzgerald; on page 1, following line 16, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 75-2550 is hereby amended to read as follows: 75-2550. (a) The system board shall consist of one or more representatives selected by each of the boards participating in the regional system, and one or more representatives appointed by the ~~governor~~ board of county commissioners of each county that is a part of the regional system to represent territory not within the district of participating library board but within the territory of the regional system of cooperating libraries. The petition provided for in K.S.A. 75-2549, and amendments thereto, may propose the number of representatives of each such board, but the determination thereof shall be made by the state board when approving such petition. The state board shall consider any petition presented to it as provided in this act and if it approves such petition it shall adopt a resolution officially designating such particular regional system of cooperating libraries and describing the territory thereof which shall include one or more counties but shall exclude the territory of any taxing district which regularly levies 0.25 or more mills of tax for the support of a public library upon the request of the governing body of the district making such levy. Any district so excluded may later petition to be added to and included in the regional system of cooperating libraries from which it was excluded and such petition shall be prepared and processed as other petitions provided for by this act. Additional counties may be added to the territory of any regional system of cooperating libraries upon petition by a library board located in such county and such a petition shall be prepared and processed as is provided in this act for initial petitions; except that the prior approval in writing of a petition under this sentence shall be obtained by the petitioning board from the regional board and attached to the petition when submitted to the state board. Within two weeks after receiving notice of approval of a petition provided for under this act the board of each participating library and the

~~governor~~ board of county commissioners of the county of residence of such appointee, shall select the number of representatives determined by the state board and shall certify the names and addresses of such representatives to the state librarian. The term of each such representative may be proposed in the petition provided under K.S.A. 75-2549, and amendments thereto, but shall not exceed four years, and the final determination of duration of terms shall be made by the state board at the time of approval of the petition.

(b) Any taxing district which regularly levies 0.25 mill or more of tax for the support of a public library, and which taxing district has been included in a regional system, may petition to be excluded from the regional system. Such petition shall be made and presented to the state board. The state board shall consider any such petition and if such taxing district meets the requirement for making such a petition and if excluding such taxing district from the regional system will do no manifest harm thereto, the state board may enter its order excluding and detaching such taxing district from the regional system and making such adjustment to the organization of such regional system as may be appropriate to continue the operation of the regional system without interruption.

(c) The system board shall have the authority and power to:

- (1) Operate a system of library service to and for participating libraries;
- (2) the system board may purchase service from a participating library for the benefit of the regional system of cooperating libraries;
- (3) the system board may contribute to or receive contribution from any participating library, and may receive and utilize any gift of funds or property donated to the regional system of cooperating libraries;
- (4) the system board may contract with any one or more participating libraries and the board of each participating library is hereby authorized to contract with the system board or with any one or more other boards, but any such contract shall provide that the same shall not take effect until approved by the state librarian;
- (5) the system board may contract with any other system board or any board, but any such contract shall provide that the same shall not take effect until approved by the state librarian; and
- (6) employ a system librarian and such other persons as the regional board may find convenient or necessary.;

Also on page 1, in line 17, by striking "is" and inserting "and K.S.A. 2016 Supp. 75-2550 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the semicolon by inserting "concerning certain appointments by the board of county commissioners"; also in line 2, after "and" by inserting "K.S.A. 2016 Supp. 75-2550 and"; in line 3, by striking "section" and inserting "sections", and the **HB 2102** be passed as amended.

HB 2128 be amended by motion of Senator Francisco; on page 1, in line 11, by striking the second "a"; in line 12, by striking all before the third "the" and inserting "(1) A statement describing"; in line 13, after the semicolon by inserting "(2) the justification listed in subsection (b) for closing the meeting"; in line 14, by striking "Such" and inserting "The complete"; also in line 14, by striking all after "motion"; in line 15, by striking all before "shall"; in line 19, by striking all after "(b)"; in line 20, by striking "except" and inserting "Justifications for recess to a closed or executive

meeting may only include"; also in line 20, after "following" by inserting ", the need"; in line 21, after "(1)" by inserting "To discuss"; in line 22, after "(2)" by inserting "for"; in line 24, by striking "matters relating"; also in line 24, after "to" by inserting "discuss"; in line 27, by striking "confidential" and inserting "to discuss"; in line 29, after "(5)" by inserting "to discuss"; in line 33, by striking "preliminary discussions relating to" and inserting "for the preliminary discussion of"; in line 35, after "(7)" by inserting "to discuss"; also in line 35, after "matters" by inserting "relating to parimutuel racing";

On page 2, in line 1, after "(8)" by inserting "to discuss"; also in line 1, after "matters" by inserting "relating to the care of children"; in line 2, after the first "K.S.A." by inserting "2016 Supp."; also in line 2, by striking ", and amendments thereto,"; also in line 2, by striking the second "K.S.A."; in line 4, after "(9)" by inserting "to discuss"; also in line 4, after "matters" by inserting "relating to the investigation of child deaths"; in line 6, by striking all after "(10)"; by striking all in line 7; in line 8, by striking "(11)" and inserting "to discuss"; also in line 8, after "matters" by inserting "relating to patients and providers"; in line 10, before "matters" by inserting "to discuss"; in line 12, before "matters" by inserting "to discuss"; in line 27, before "matters" by inserting "to discuss"; also in line 27, after "matters" by inserting "relating to maternity centers and child care facilities"; in line 28, by striking "(f)" and inserting "(d)"; in line 29, before "matters" by inserting "to discuss"; also in line 29, after "matters" by inserting "relating to the office of inspector general"; by striking all in lines 32 and 33; in line 35, before "case" by inserting "to discuss"; in line 40, by striking "(1)"; in line 41, by striking "(13)" and inserting "(12)";

On page 3, by striking all in lines 1 through 9;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly, and the **HB 2128** be passed as amended.

HB 2094 be amended by the adoption of the committee amendments, and the bill be passed as amended.

HB 2137 be amended by the adoption of the committee amendments, be further amended by motion of Senator Doll; on page 1, by striking all in line 24; in line 25, by striking all before the period and inserting "and may receive the usual compensation or other remuneration for such volunteer services"; in line 29, by striking all after "fighter"; in line 30, by striking all before the period and inserting "and may receive the usual compensation or other remuneration for such volunteer services", and **HB 2137** be passed as further amended.

HB 2006 be amended by the adoption of the committee amendments, be further amended by motion of Fitzgerald; on page 2, in line 23, by striking "odd-numbered year" and inserting "general", and **HB 2006** be passed as further amended.

A motion was offered by Senator Hensley to amend **HB 2006**. A substitute motion to return the bill back to committee was withdrawn. After discussion, Senator Hensley withdrew his amendment.

An amendment was offered by Senator Haley. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

SB 179, HB 2126 be passed over and retain a place on the calendar.

SPECIAL REMARKS

Abandoned properties and their ensuing blight to surrounding properties and entire neighborhoods continue to denigrate my home County of Wyandotte as well as many other Kansas municipalities. The amendment that I offer here today is comprised of language debated in many legislative committees and will, I believe, reconcile the urgency to put abandoned properties into the hands of responsible ownership without depriving a real property owner of their rights to due process or compensation. This amendment (a slight variation of this Session's **SB 31** and **HB 2404**, both which appear dead for this year) defines "abandoned property" and "blight" and expedites the current provisions of delinquent property tax (or "sheriff's") sales. Specific application of this amendment as law will put abandoned, blighted houses and storefronts in more frequent sales, with renovation requirements for clear title to vest, and begin to immediately improve the neighborhoods these buildings currently infest. My commitment to cure blight and protect property rights is in earnest and it is indeed regrettable that the amendment is ruled to not be germane to the underlying bill which seemingly leaves the topic to be delayed and addressed for yet another pain-staking, eyesore inducing year. –
DAVID HALEY

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 157** be passed.

Also, **SB 53** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 53," as follows:

"Substitute for SENATE BILL No. 53

By Committee on Federal and State Affairs

"AN ACT concerning firearms; relating to the personal and family protection act; authorizing prohibition of firearms in secured areas of state hospitals; amending K.S.A. 2016 Supp. 75-7c20 and repealing the existing section.";

And the substitute bill be passed.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 240, AN ACT concerning wildlife, parks and tourism; authorizing the purchase of land in Sherman county, by Committee on Ways and Means.

SB 241, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; ;maximum retirement benefits; amending K.S.A. 2016 Supp. 74-4958 and 74-4958a and repealing the existing sections, by Committee on Ways and Means.

SB 242, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; definition of service-connected; amending K.S.A. 2016 Supp. 74-4952 and repealing the existing section, by Committee on Ways and Means.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, March 29, 2017.

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 29, 2017, 10:00 a.m.

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

Gracious Master, we stand here today in the Senate...in this room where decisions are being made and laws are being voted up or down that affect individuals, families, businesses and almost all aspects of life here in Kansas.

In James 1:5-6, Your word declares that if we want to know what You want us to do, that all we need to do is ask You and You'd give us Your wisdom in abundance. In verse 6, You said that when we ask for it, we should be asking in confidence, trusting, expecting and anticipating Your guidance; like asking You for rain and making sure to bring an umbrella.

I know Lord, that we don't have to remind You of the things You say. We're the forgetful ones. We need the confident assurance that comes from reminding ourselves of the things You say. Because rehearsing this promise, that You will give us the wisdom we need, helps us to increase our faith and believe that the decisions we're making will ultimately be used by You to bless Your people.

So Lord, when we're tossing and turning over what to do, over which way to go, arrest our restlessness.

Remind us to ask for Your guidance, then remind us of Your promise to provide it.
Father, I come to You in the mighty Name of Jesus. Amen and 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:

Federal and State Affairs: **HB 2386**.

Financial Institutions and Insurance: **SB 241, SB 242**.

Judiciary: **HB 2306**.

Public Health and Welfare: **HB 2047**.

Ways and Means: **SB 240; HB 2280**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1734—

A RESOLUTION congratulating and commending the
2017 Shawnee Heights High School boys basketball team.

WHEREAS, The Shawnee Heights High School boys basketball team won the 2017 Kansas State High School Activities Association (KSHSAA) Class 5A Championship with a 66-49 victory over Kansas City Schlagle High School in the finals of the 2017 Class 5A State Tournament in Topeka on March 11, 2017; and

WHEREAS, The Thunderbirds entered the 2017 Class 5A State Tournament as the number four-seeded team, and they won a thrilling 57-55 overtime game over the number one-seeded Goddard-Eisenhower team in the semifinals to reach the finals; and

WHEREAS, The Thunderbirds finished the season with a record of 22 wins and 3 losses, and they won their first boys basketball state championship since 2002 and their fifth boys basketball state championship in school history; and

WHEREAS, During the 2016-2017 season, in addition to winning the Class 5A State Championship, the Thunderbirds won the Ralph Miller Classic Tournament in Chanute, finished second place in the Centennial League, and won their Class 5A Sub-State Tournament; and

WHEREAS, Trey Brown was named to the 2017 All-State, Class 5A, All-Centennial League, and All-City first teams, was named City Player of the Year by the Topeka Capital-Journal, and was also named to the Class 5A first team by the Wichita Eagle; Poncho Freeman was named to the 2017 Class 5A second team and the All-Centennial League and All-City first teams by the Topeka Capital-Journal, and was also given Class 5A honorable mention by the Wichita Eagle; Jesse Moss was named Class 5A and All-Centennial League honorable mention, and to the All-City third team by the Topeka Capital-Journal; Michael Brooks was named Class 5A and All-Centennial League honorable mention, to the All-City third team by the Topeka Capital-Journal, and Class 5A honorable mention by the Wichita Eagle; and Tyler Zentner was named Class 5A and All-City honorable mention by the Topeka Capital-Journal; and

WHEREAS, The Thunderbird's head coach, Steve Wallace, was named All-State and All-City Coach of the Year by the Topeka Capital-Journal, and All-State Coach of the Year by the Wichita Eagle; and

WHEREAS, The members of this championship team were Trey Brown, Tyce Brown, Michael Brooks, Ben Buchanan, Grant Cooney, Poncho Freeman, Dane Grabauskas, Michael Hoffer, Jerome McFalls, Jesse Moss, Tyler White and Tyler Zentner. The head coach was Steve Wallace; the assistant coaches were Mike Nash, Matt Shulman and Jeni Daley; and the team managers were Hayli Daughtery and Sierra Jones; and

WHEREAS, The team received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was a result of their unselfish teamwork, competitive spirit and relentless defense. The team also had the enthusiastic support from the school's administrators, teachers and staff, fellow students, parents and the entire Shawnee Heights community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Shawnee Heights High School boys basketball team and head coach Steve Wallace for winning the 2017 Kansas High School Activities Association Class 5A Championship; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1734** was adopted by voice vote.

Senators honored Coach Steve Wallace and team members with a standing ovation.

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

SENATE RESOLUTION No. 1735—

A RESOLUTION congratulating and commending
the 2016 Shawnee Heights High School volleyball team.

WHEREAS, The Shawnee Heights High School volleyball team won the 2016 Kansas State High School Activities Association Class 5A Volleyball Championship by defeating St. James Academy in the final match of the State Tournament in Topeka on October 29, 2016; and

WHEREAS, The Thunderbirds reached the finals by beating their Centennial League rival, Emporia High School, in the semifinal match; and

WHEREAS, The Thunderbirds finished the season with a record of 38 wins and six losses, and won their first state championship since winning back-to-back titles in 1999 and 2000; and

WHEREAS, Jazz Sweet was named the 2016 Kansas Volleyball Association's Player of the Year, and was also named to the All-State, All-City and All-Centennial League first teams; Megan Cooney was named to the All-State, All-City and All-Centennial League first teams; Faith Rottinghaus was named to the All-State second team, and was also named to the All-City and All-Centennial League second teams; Amaya Tillman was named All-State honorable mention, and was also named to the All-City and All-Centennial League first teams; Valerie Golder was named to the All-City and All-Centennial League second teams; and Mickey Murphy was named All-City and All-Centennial League Newcomer of the Year; and

WHEREAS, The Thunderbirds were led by head coach Laura Curry, who was named All-State, All-City and All-Centennial League Coach of the Year; and

WHEREAS, Members of the team include: Megan Cooney, Faith Rottinghaus, Jazz Sweet, Amaya Tillman, Valerie Golder, Lydia Ostenson, Hannah Wilson, Kirsten Johnson, Abbey Fischer, Briley Ginter, Mickey Murphy, Jaycee Ginter and Megan Stretton. The head coach is Laura Curry, and the assistant coaches are: Sara Brun, Danielle Faylor and Kayla Moylan. The managers are D'Mya Valdivia and Kelsey Riedel; and

WHEREAS, The Thunderbirds received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was due to their unselfish teamwork, competitive spirit and relentless pursuit of success. The team also had the enthusiastic support from the school's administrators, teachers and staff, fellow students, parents and the entire Shawnee Heights community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Shawnee Heights High School volleyball team and head coach Laura Curry for winning the 2016 Kansas State High School Activities Association Class 5A Volleyball Championship; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1735** was adopted by voice vote. Senators honored Coach Laura Curry and team members with a standing ovation.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1736—

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, 58% of Caucasian, 80% of Hispanic and 85% of African-American fourth graders in Kansas scored below the "proficient" reading level in a 2015 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, The 2015 NAEP study also shows that the gap in proficiency between low-income and high-income Kansas students grew from 25% to 34% from the years 2009 to 2015; 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, Storytime Village, Inc. is currently the only nonprofit organization based in Kansas that focuses exclusively on children's literacy; 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, March 29, 2017, is marked as 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 and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1736** was adopted by voice vote.

Guests introduced were Prisca Barnes, Lai-L Daugherty, Rev. Bobby Love and Chase Bowman.

Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1737—

A RESOLUTION congratulating and commending
the 2017 Hugoton High School girls and
Holcomb High School and boys basketball teams.

WHEREAS, The Hugoton High School Lady Eagles basketball team won the 2017 Kansas State High School Activities Association Class 3A Championship by defeating Cheney High School in the tournament final in Hutchinson on March 11, 2017; and

WHEREAS, The Lady Eagles finished the season with a perfect record of 26 wins and zero losses, and they earned their second state championship within three seasons; and

WHEREAS, Several Lady Eagles earned state and local commendations, including Kathryn Heger, Amy Scott, Dallie Hoskinson, Sydney Hein, JoHanna Rawlins and Melissa Fabela; and

WHEREAS, The Lady Eagles were led by head coach Andy Gillen, who has earned many coach of the year awards, and assistant coaches Jeff Ramsey and Keenan Thompson; and

WHEREAS, Members of the team include: Brooklyn Harper, Dallie Hoskinson, Laney Hoskinson, Sydney Hein, Jacquelynn Armendariz, Amy Scott, JoHanna Rawlins, Melissa Fabela, Britta Beesley, Marisol Don Juan, Kathryn Heger and Rebecca Johnson, and the team managers are Luz Romo and Hanna Coziahr; and

WHEREAS, The Holcomb High School Longhorns boys basketball team won the 2017 Kansas State High School Activities Association Class 4A-Division II Championship by defeating Pratt High School 60-45 in the tournament final in Emporia on March 11, 2017; and

WHEREAS, The Longhorns finished the season with a record of 24 wins and only one loss, and they earned their second state championship within three seasons; and

WHEREAS, Several Longhorns earned state and local commendations, including Conner Vanleave, Trey Gilbert, Kobe Dickson and Brandon Stegman; and

WHEREAS, The Longhorns are led by head coach Chad Novack, who earned the Garden City Telegram's All-Area Coach of the Year honor, and assistant coaches Trevor Sapp, Aaron Miller and Trenton Specht; and

WHEREAS, Team members include: Michael Roth, Brandon Stegman, Steven Crain, Devin Mader, Garrett Williams, Trey Gilbert, Carter Blackburn, Caleb Clumsky, Zeke Leyva, Conner Vanleave, Damon Kempley and Kobe Dickson, and the team managers are Paden Cornelsen and Kaden Tichenor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2017 Hugoton High School girls and Holcomb boys basketball teams for winning their respective state championship games. We celebrate with them in this accomplishment and wish them the best of luck in the future; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Doll.

On emergency motion of Senator Doll **SR 1737** was adopted by voice vote.

Senators honored the coaches and team members with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2006, AN ACT concerning counties; relating to the expansion of the board of county commissioners; amending K.S.A. 2016 Supp. 19-203 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2043, AN ACT concerning insurance; relating to financial examination; requirements; amending K.S.A. 40-2912 and K.S.A. 2016 Supp. 12-2620 and 44-584 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2067, AN ACT concerning the uniform insurance agents licensing act; relating to fingerprinting of applicants for licensure; amending K.S.A. 2016 Supp. 40-4905 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Tyson.

The bill passed, as amended.

HB 2094, AN ACT concerning municipalities; concerning contracts; dealing with the interlocal cooperation act; amending K.S.A. 12-2908 and K.S.A. 2016 Supp. 12-2904 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2102, AN ACT concerning counties; dealing with the board of county commissioners; concerning certain appointments by the board of county commissioners; amending K.S.A. 19-206 and K.S.A. 2016 Supp. 75-2550 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2110, AN ACT concerning financial institutions; relating to trust companies; establishment of nonresident entities; requirements; amending K.S.A. 2016 Supp. 9-2111 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2118, AN ACT concerning health care providers; relating to the health care provider insurance availability act; liability exceptions; provider exemptions; inactive provider coverage limits; inactive licensure of advanced practice registered nurses; amending K.S.A. 2016 Supp. 40-3401, 40-3408, 40-3424 and 65-1131 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2128, AN ACT concerning the Kansas open meetings act; relating to closed or executive meetings; governor's domestic violence fatality review board; amending K.S.A. 2016 Supp. 75-4319 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2136, AN ACT concerning weights and measures; relating to service companies; technical representatives; amending K.S.A. 2016 Supp. 83-402 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The bill passed.

HB 2137, AN ACT concerning cities and counties; dealing with certain volunteer activities of governing body members; amending K.S.A. 19-205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Masterson, Pilcher-Cook.

The bill passed as amended.

HB 2140, AN ACT concerning firefighting; relating to interstate compacts; great plains interstate fire compact, was considered on final action.

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

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

The bill passed, as amended.

HB 2191, AN ACT concerning the Kansas department of wildlife, parks and tourism; relating to licenses, permits, stamps and other issues of the department; citations; amending K.S.A. 2016 Supp. 32-1001, 32-1041 and 32-1049 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

S Sub HB 2304, AN ACT concerning child care facilities; relating to infant sleeping equipment and sleeping areas; individuals maintaining or residing, working or

volunteering in such facilities; background checks; amending K.S.A. 2016 Supp. 65-508 and 65-516 and repealing the existing sections, 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: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The substitute bill passed, as amended.

HB 2329, AN ACT concerning employment security law; relating to the effect of separation pay on benefits; amending K.S.A. 2016 Supp. 44-704 and repealing the existing section, was considered on final action.

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

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

The bill passed.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub SB 74**.

Announcing passage of **SB 40**, as amended by House **H Sub SB 40; SB 101**, as amended by **H Sub SB 101**.

Announcing passage of **SB 46**, as amended; **SB 50**, as amended; **SB 89**, as amended; **SB 124**, as amended.

The House nonconcurrs in Senate amendments to **HB 2212**, requests a conference and has appointed Representatives Aurand, Dierks and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2213**, requests a conference and has appointed Representatives Aurand, Dierks and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2026**, requests a conference and has appointed Representatives Hawkins, Concannon and Wilson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 21** and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 112** and has appointed Representatives Finch, Patton 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 2096**.

The President appointed Senators Petersen, Doll and Pettey as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Kerschen the Senate nonconcurred in the House amendments to **SB 46** and requested a conference committee be appointed.

The President appointed Senators Kerschen, Estes and Francisco as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **H Sub SB 40** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 50** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurred in the House amendments to **SB 89** and requested a conference committee be appointed.

The President appointed Senators Petersen, Doll and Pettey as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **H Sub SB 101** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 124** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

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 Schmidt in the chair.

SB 202 be amended by motion of Senator LaTurner; on page 1, following line 15, by inserting:

"Sec. 2. (a) The compact relating to cigarette sales, taxation and escrow collection between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas submitted by the governor to the senate and house of representatives of the state of Kansas and received and printed in the journal of the senate on March 16, 2017, and the journal of the house of representatives on March 15, 2017, is hereby approved and adopted by reference as the law of this state.

(b) The secretary of the senate is directed to send a copy of such compact to the secretary of state. The secretary of state shall cause such compact to be published in the Kansas register.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the semicolon by inserting "approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the

state of Kansas;" and **SB 202** be passed as amended
HCR 5003 be adopted.

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.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator Schmidt in the chair.

On motion of Senator Schmidt, the morning report and the following afternoon report were adopted:

SB 135 be passed.

A motion by Senator Hensley to amend **SB 135** failed and the following amendment was rejected; on page 1, following line 30, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

- (a) Chosen by election or appointment to fill an elective office;
- (b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;
- (c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;
- (d) all employees in the office of the governor;
- (e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;
- (f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed

practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711, and amendments thereto;

(k) all employees of courts;

(l) client, patient and inmate help in any state facility or institution;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the Kansas department for aging and disability services;

(p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary for aging and disability services, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary for children and families, the secretary of transportation, the secretary of wildlife, parks and tourism and the commissioner of juvenile justice;

(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The

department of administration, the Kansas department for aging and disability services, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the Kansas department for children and families, the department of transportation, the Kansas department of wildlife, parks and tourism and the commissioner of juvenile justice;

(x) if designated by the appointing authority on or before June 30, 2017, persons in newly hired positions, including any employee who is rehired into such position and any current state employee who voluntarily transfers into, or is voluntarily promoted or demoted into such position, on and after July 1, 2015, and before July 1, 2017, in any state agency;

(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;

(z) specifically designated by law as being in the unclassified service;

(aa) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency;

(bb) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2016 Supp. 76-715a, and amendments thereto; and

(cc) on and after July 1, 2015, and before July 1, 2017, notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014, 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c, 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028, 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-12a16, 76-3202 and 82a-1205 and K.S.A. 2016 Supp. 39-1911, and amendments thereto, any vacant position within the classified service may be converted by the appointing authority to an unclassified position.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning

certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.

(5) On and after the effective date of this act, any state agency that has positions in the classified service within the Kansas civil service act to satisfy any requirement of maintaining personnel standards on a merit basis pursuant to federal law or the rules and regulations promulgated thereunder by the federal government or any agency thereof, shall adopt a binding statement of agency policy pursuant to K.S.A. 77-415, and amendments thereto, to satisfy such requirements if the appointing authority has made any such position unclassified.";

Also on page 1, in line 31, by striking "is" and inserting "and 75-2935 are";

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 "examiners,"; also in line 2, after "74-2015" by inserting "and 75-2935"; in line 3, by striking "section" and inserting "sections"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 14; Nays 26; Present and Passing 0; Absent or Not Voting 0.

Yeas: Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Pilcher-Cook, Pyle, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

The amendment was rejected.

HB 2041, HB 2085, HB 2301 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2158 be amended by the adoption of the committee amendments, be further amended by Senator Faust-Goudeau; on page 10, following line 22, by inserting:

"Sec. 7. K.S.A. 25-2701 is hereby amended to read as follows: 25-2701. (a) The county election officer shall determine the area to be served by each voting place at every election and shall ~~make the same known to any public officers having need of such information in due time for appropriate publication notices or other matters~~ provide notice of such voting places as required by law. Any precinct having less than 20 registered voters shall be included with an adjacent precinct or precincts in a single area to be served by a common voting place. The location of voting places shall be designated by the county election officer as provided by K.S.A. 25-2703, and amendments thereto.

(b) For any election to which this section is applicable, wherever a city is located in two counties, the county election officer of the county in which the greater population of the city is located may designate a voting place located in a portion of the city in the other county to serve an area within that portion of the city within the county in which

the greater population of the city is located.

(c) At voting places serving two or more precincts, one or more of which have less than 20 registered voters, all ballots which are identical shall be deposited in the same ballot box or boxes and such votes shall be counted and canvassed in ~~such~~ a manner as to minimize the possibility of identifying the ballots cast by any voter.

(d) (1) The county election officer may not change a voting place prior to an election without providing mailed notice to the voters affected at least 30 days prior to the election. If an emergency is declared by the county election officer, the mailed notice requirement shall be waived.

(2) Failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the results of the election.

New Sec. 8. The secretary of state shall issue a press release and post a notice on the secretary of state's website notifying the public whenever the online voter registration website is unavailable for a period of 24 hours or more.";

Also on page 10, in line 23, by striking the first "and" and inserting a comma; also in line 23, after "25-1136" by inserting "and 25-2701";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "polling places;"; in line 2, by striking the first "and" and inserting a comma; also in line 2, after "25-1136" by inserting "and 25-2701", and **HB 2158** be passed as further amended.

SB 86 be amended by the adoption of the committee amendments, be further amended by motion of Senator Holland; on page 1, following line 22, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) (1) "Criminal investigation records" means: ~~(1)~~ (A) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by K.S.A. 2016 Supp. 45-254, and amendments thereto; and ~~(2)~~

(B) records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, ~~but~~

(2) "Criminal investigation records" does not include: (A) Police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2016 Supp. 21-5406, and amendments thereto; and

(B) criminal investigation records, other than the identity of any confidential source or undercover agent, in regard to missing person investigations where the person has been missing for more than 25 years and such records were collected 15 or more years ago.

(d) "Custodian" means the official custodian or any person designated by the

official custodian to carry out the duties of custodian of this act.

(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court.

(g) (1) "Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:

(A) Any public agency; or

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" shall include, but not be limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection (g)(1), "public record" shall not include:

(A) Records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds. As used in this subparagraph, "private person" shall not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state; or

(C) records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this subparagraph paid for any group, division or section of an agency.

(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.";

On page 2, in line 7, after "(d)" by inserting "(1)"; following line 17, by inserting:

"(2) For public records requests for those records listed in K.S.A. 45-217(c)(2)(B), and amendments thereto, the public agency shall furnish copies within 30 days of receiving the request. If such request is made by a parent, child, sibling or grandparent of the person whom the records concern, no fee shall be charged to the person requesting copies of such records.";

On page 4, following line 10, by inserting:

"Sec. 5. K.S.A. 2016 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2016 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2016 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) (A) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

~~(A)~~(i) Is in the public interest;

~~(B)~~(ii) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

~~(C)~~(iii) would not reveal the identity of any confidential source or undercover agent;

~~(D)~~(iv) would not reveal confidential investigative techniques or procedures not known to the general public;

~~(E)~~(v) would not endanger the life or physical safety of any person; and

~~(F)~~(vi) would not reveal the name, address, phone number or any other information

which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of ~~paragraphs (A) subparagraphs (i) through (F) (vi)~~ that necessitate closure of that public record.

(B) Paragraph (A) shall not apply to records listed in K.S.A. 45-217(c)(2)(B), and amendments thereto.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded

grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or

any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. 40-2,156(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical

center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2016 Supp. 21-5111, and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public

website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, a special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 2016 Supp. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing

contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.";

On page 6, in line 33, after "Supp." by inserting "45-217,"; also in line 33, after the comma by inserting "45-221,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "dealing with criminal investigation records;"; in line 3, after "Supp." by inserting "45-217,"; in line 4, after the comma by inserting "45-221," and **SB 86** be passed as further amended.

HB 2092 be amended by the adoption of the committee amendments, be further amended by Senator Pilcher-Cook; on on page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 40;

On page 23, in line 17, by striking all after "Supp."; by striking all in line 18; in line 19, by striking "6205,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "loss values;"; in line 3, by striking "21-"; by striking all in line 4; in line 5, by striking all before "22-2302", and **HB 2092** be passed as further amended.

The committee report on **SB 189** recommending **Sub SB 189** be adopted, and be amended by motion of Senator McGinn; on page 33, in line 27, by striking "\$700,343" and inserting "\$150,343";

On page 37, in line 14, by striking "\$700,343" and inserting "\$150,343";

On page 236, following line 19, by inserting:

"Community aid (039-00-1000-3004).....\$20,057,484
Provided, That any unencumbered balance in the community aid account in excess of

\$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019."

Sub SB 189 be further amended by Senator McGinn; on page 481, following line 23, by inserting:

"Sec. 161. (a) On July 1, 2017, the amount authorized to be expended from each appropriation from the state general fund during the fiscal year ending June 30, 2018, in this act for employer contributions for the state of Kansas and for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4920 and 74-4939, and amendments thereto, in the aggregate, is hereby decreased by \$140,207,477.

(b) On July 1, 2017, the amount authorized to be expended from each appropriation from the state water plan fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$11,523.

(c) On July 1, 2017, the amount authorized to be expended from each appropriation from the state economic development initiatives fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$64,154.

(d) On July 1, 2017, the amount authorized to be expended from each appropriation from the children's initiatives fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$671.

(e) On July 1, 2017, the amount authorized to be expended from each special revenue fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, in the aggregate, is hereby decreased by \$5,510,173.

(f) (1) On and after the date certified by the director of the budget under subsection (f)(2), and notwithstanding the provisions of K.S.A. 74-4914b and 74-4920, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts during the remainder of the fiscal year ending June 30, 2018, that constitute employer contributions for the state of Kansas.

(2) During the fiscal year ending June 30, 2018, the director of the budget shall continuously monitor the status of the state general fund and any special revenue fund or funds with regard to expenditures for any item of appropriation for employer contributions to the Kansas public employee retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto. Periodically, the director of the budget shall estimate such expenditures in fiscal year 2018 and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund or in any special revenue fund or funds for such expenditures during the remainder of fiscal year 2018. Based on such expenditure estimates, the director of the budget shall determine the effective date under subsection (f)(1) necessary to provide the expenditure reduction in subsections (a) through (e) and shall certify such effective date to the board of trustees of the Kansas public employees retirement system. At the same time as the director of the budget transmits such certification to the board of

trustees of the Kansas public employees retirement system, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(g) The house of representatives committee on appropriations and the senate committee on ways and means shall review the amounts lapsed or decreased pursuant to this section prior to passing the omnibus reconciliation spending limit bill for fiscal year 2018.

Sec. 162. (a) On July 1, 2018, the amount authorized to be expended from each appropriation from the state general fund during the fiscal year ending June 30, 2019, in this act for employer contributions for the state of Kansas and for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4920 and 74-4939, and amendments thereto, in the aggregate, is hereby decreased by \$198,540,609.

(b) On July 1, 2018, the amount authorized to be expended from each appropriation from the state water plan fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$20,634.

(c) On July 1, 2018, the amount authorized to be expended from each appropriation from the state economic development initiatives fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$114,492.

(d) On July 1, 2018, the amount authorized to be expended from each appropriation from the children's initiatives fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$943.

(e) On July 1, 2018, the amount authorized to be expended from each special revenue fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, in the aggregate, is hereby decreased by \$7,918,810.

(f) (1) On and after the date certified by the director of the budget under subsection (f)(2), and notwithstanding the provisions of K.S.A. 74-4914b and 74-4920, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts during the remainder of the fiscal year ending June 30, 2019, that constitute employer contributions for the state of Kansas.

(2) During the fiscal year ending June 30, 2019, the director of the budget shall continuously monitor the status of the state general fund and any special revenue fund or funds with regard to expenditures for any item of appropriation for employer contributions to the Kansas public employee retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto. Periodically, the director of the budget shall estimate such expenditures in fiscal year 2019 and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund or in any special revenue fund or funds for such expenditures during the remainder of fiscal year 2019. Based on such expenditure estimates, the director of the budget shall determine the effective date under subsection (f)(1) necessary to provide

the expenditure reduction in subsections (a) through (e) and shall certify such effective date to the board of trustees of the Kansas public employees retirement system. At the same time as the director of the budget transmits such certification to the board of trustees of the Kansas public employees retirement system, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(g) The house of representatives committee on appropriations and the senate committee on ways and means shall review the amounts lapsed or decreased pursuant to this section prior to passing the omnibus reconciliation spending limit bill for fiscal year 2019."; and by renumbering remaining sections accordingly, and **Sub SB 189** be passed as amended.

A motion by Senator Masterson to further amend **Sub SB 189** failed and the following amendment was rejected; on page 481, following line 23 by inserting:

"Sec. 161. (a) Of each amount appropriated for a state agency for the fiscal year ending June 30, 2018, by this act from the state general fund, the sum equal to the difference between the amount of such appropriation minus the amount in the governor's recommendation for fiscal year 2018, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(b) Of each amount reappropriated for a state agency for the fiscal year ending June 30, 2018, by this act from the state general fund, the sum equal to the difference between the amount of such reappropriation minus the amount in the governor's recommendation for fiscal year 2018, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(c) Of each amount appropriated for a state agency for the fiscal year ending June 30, 2019, by this act from the state general fund, the sum equal to the difference between the amount of such appropriation minus the amount in the governor's recommendation for fiscal year 2019, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(d) Of each amount reappropriated for a state agency for the fiscal year ending June 30, 2019, by this act from the state general fund, the sum equal to the difference between the amount of such reappropriation minus the amount in the governor's recommendation for fiscal year 2019, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(e) The house of representatives committee on appropriations and the senate committee on ways and means shall review the amounts lapsed prior to passing the omnibus reconciliation spending limit bill for fiscal year 2018 and fiscal year 2019.

(f) The director of the budget, in consultation with the director of legislative research, shall determine the amounts specified by this section to be lapsed. The director of the budget shall certify such amounts to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall lapse such amounts.

(g) At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall transmit a copy of such certification to the director of legislative research."; and by renumbering remaining sections accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 15; Nays 25; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Denning, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wilborn.

Nays: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

The amendment was rejected.

A motion by Senator Masterson to amend **Sub SB 189** was withdrawn.

A motion by Senator Fitzgerald to amend **HB 2313** was withdrawn.

HB 2313, HB 2153 be passed over and retain a place on the calendar.

MESSAGES FROM THE GOVERNOR

SB 15, SB 17, SB 66, SB 68, SB 166 approved on March 28, 2017.

SB 32 approved on March 29, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, March 30, 2017.

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 30, 2017, 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 of Heaven and Earth, You created us with a tendency to be gregarious; an inclination to hook up with other human beings. The problem we struggle with is that we are all different. We have different, sometimes opposing views. Sometimes, we're like a magnet and we attract. Yet, at other times, we show a different side and we repel.

You said in Ecclesiastes 4:9, that two are better than one, because they have a good reward for their labor. So, Lord, for our good, and for the good of the work, help us rise above our differences. And even though diverse opinions exist, blend our efforts together like a Master Chef combines the different contents of a well-planned recipe...one that winds up being good for everybody.

And, when You finish with us, when the people of this state are blessed by what You've done, let it be said that it was by Your Divine hand.

I come to You this morning, in the Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1738—

A RESOLUTION commemorating the reactivation of the 924th Air Refueling Squadron under the 931st Air Refueling Wing at McConnell Air Force Base on April 2, 2017.

WHEREAS, Prior to reforming as the 924th Air Refueling Squadron (924th), the squadron originally operated as the 24th Transport Squadron stationed at Morrison Field in Florida from 1942 to 1943. The 24th Transport Squadron transported soldiers across the South Atlantic ferrying route during World War II; and

WHEREAS, The 924th was activated in 1959 at Castle Air Force Base (AFB) and was assigned to the 93rd Bombardment Wing; and

WHEREAS, The 924th was equipped with Boeing KC-135 Stratotankers, used to refuel the B-52 Stratofortress, and was tasked with training KC-135 aircrews for Strategic Air Command tanker units; and

WHEREAS, During the Vietnam War, the 924th Air Refueling Squadron was

reassigned to assist in combat missions overseas. The 924th also participated in both Operation Desert Shield and Operation Desert Storm; and

WHEREAS, Family members of 924th personnel supported their aviators while they were on deployment during times of peace and times of conflict and took care of family responsibilities until they were once again reunited; and

WHEREAS, During periods of inaction, the 924th kept half of its aircraft fully fueled and at the ready in the event of a Soviet attack during the Cold War; and

WHEREAS, It is significant to note that Strategic Air Command's first all-female flight crew was activated within the 924th in 1982; and

WHEREAS, The 924th was deactivated in 1992 as a result of the military drawdown at the conclusion of the Cold War and the closure of Castle AFB; and

WHEREAS, On April 2, 2017, the 924th will be reactivated at McConnell AFB as a reserve unit under the 931st Air Refueling Wing and will be equipped with the newly commissioned KC-46A Pegasus aircraft: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the reactivation of the 924th Air Refueling Squadron under the 931st Air Refueling Wing at McConnell Air Force Base on April 2, 2017; and

Be it further resolved: That we honor and remember all service members, past and present, and we are forever thankful for their commitment to service; and

Be it further resolved: That family members are to be commended for their deep sense of patriotism and for supporting members of the 924th during family separations; 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 1738** was adopted by voice vote.

Guests introduced were Colonel Caroline Evernham, Lt. Colonel Terrence McGee, SM Sgt. James Guldjord and TSGT Abigale Klein.

Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1739—

A RESOLUTION congratulating and commending the Hutchinson Community College men's basketball team for winning the 2017 National Junior College Athletic Association Division I National Championship.

WHEREAS, The Hutchinson Community College men's basketball team won the 2017 National Junior College Athletic Association (NJCAA) Division I National Championship against Eastern Florida State College with an 84-58 victory; and

WHEREAS, The Blue Dragons finished the season with 35 wins and only two losses, and won their first men's basketball national championship since 1994 and the third in the school's history; and

WHEREAS, Steve Eck is the head basketball coach for the Blue Dragons, who, during his two decades of coaching at the collegiate level, has compiled an incredible career record of 553-97. Coach Eck's staff includes assistant coaches Jay Cyriac and Cortland Carney; and

WHEREAS, Members of the team include: Shakur Juiston, who was named Tournament MVP; James Conley; Devonte Bando; Tiyler Cotton; Fatir Hines;

Samajae Haynes-Jones, who was named to the All-Tournament team; J.J. Rhymes, who was named to the All-Tournament team; Dabon Gill; Sal Nuhu; Roman Young; Kai Mitchell; Randall Douvier; Trent Webster; Nikola Scekcic; and Kyle Patrick: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Hutchinson Community College men's basketball team for winning the 2017 National Junior College Athletic Association Division I National Championship. We applaud their incredible accomplishments and wish them future success; and

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

On emergency motion of Senator Berger **SR 1739** was adopted by voice vote. Senators honored the coaches and students with a standing ovation.

ORIGINAL MOTION

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **S Sub HB 2026**.

The President appointed Senators V. Schmidt, Bollier and Kelly 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 2212**.

The President appointed Senators Baumgardner, Doll and Hensley 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 2213**.

The President appointed Senators Baumgardner, Doll and Hensley as conferees on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 86, AN ACT concerning the Kansas open records act; relating to openness in government; dealing with criminal investigation records; Kansas open meetings act; relating to the recording of minutes of meetings; amending K.S.A. 45-218 and K.S.A. 2016 Supp. 45-217, 45-219, 45-221, 46-1207a and 75-4318 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 9; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Billinger, Bollier, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Tyson, Wagle, Wilborn.

Nays: Alley, Berger, Bowers, Doll, Hardy, Kerschen, Pettey, Pilcher-Cook, Taylor.

Present and Passing: Pyle.

The bill passed, as amended.

SB 135, AN ACT concerning the department of revenue; relating to driver's license examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015 and repealing the existing section, was considered on final action.

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

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

The bill passed.

Sub SB 189, AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 12-5256, 55-193, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804, 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Nays: Alley, Baumgardner, Denning, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wilborn.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote AYE on **SB 189**. During the most recent debate on a revenue package, many argued we needed a budget first so that we would know how much money we would need from a revenue package. This is a budget that gives us a solid start, and is a clear rejection of Governor Brownback's recommendations. Our work, however, is not done as this budget does not include funding for Medicaid expansion, K-12 education, the highway fund, or the water plan. With this budget we begin to restore cuts to higher education and ensure the stability of the Children's Initiatives Fund by not securitizing the tobacco settlement funds. These are positive steps in proving the value of adequately funding education at all levels. We give state employees a pay increase, which, for some, will be the first in almost a decade. We also provide a rate increase to Home and Community Based Services, which helps elderly and disabled Kansans receive quality care in their homes. For these reasons, I vote AYE on **SB 189**.—ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 189**.

Madam President: I vote AYE on the **S Sub SB 189**. This bill makes a good start towards building a budget for Kansas for the next two years. The proposal eliminates the securitization of tobacco proceeds, makes expenditures from the Children's Initiative Fund, removes ill-thought out proposals for health insurance and procurement in K-12 schools, provides both a 2% salary increase for state employees and a 5% rate increase for providers of Home and Community Based Services, and restores unfair cuts to Kansas State University and the University of Kansas. I am aware that there is still

much work ahead to address revenue needs including healthcare, highway construction, school funding, the Kansas Public Employees Retirement Fund, and the State Water Plan. However, with this beginning the Senate has a much better idea of the scope of our revenue needs. I stand ready to continue work on a budget and on a revenue package that balance to address the needs of our state.—MARCI FRANCISCO

Senators Faust-Goudeau, Haley, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S Sub SB 189**.

SB 202, AN ACT concerning tribal-state compacts; approving a compact between the Kickapoo Tribe in Kansas and the state of Kansas; approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection, was considered on final action.

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

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

The bill passed, as amended.

HB 2041, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; collection of debts owed to the courts; amending K.S.A. 2016 Supp. 8-2107, 8-2110, 20-169, 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, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 21-6614g and 21-6614h, was considered on final action.

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

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

The bill passed, as amended.

HB 2085, AN ACT concerning crimes, punishment and criminal procedure; relating to post-trial motions, correction of sentence; postrelease supervision; persons convicted of a sexually violent crime; amending K.S.A. 22-3504 and K.S.A. 2016 Supp. 22-3717 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2092, AN ACT concerning crimes, punishment and criminal procedure; relating to warrants, disclosure of affidavits or sworn testimony; conditions of probation, revocation; amending K.S.A. 2016 Supp. 22-2302 and 22-3716 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, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Doll.

The bill passed, as amended.

HB 2158, AN ACT concerning elections; dealing with advance voting procedures; polling places; amending K.S.A. 25-1132, 25-1133, 25-1134, 25-1136 and 25-2701 and K.S.A. 2016 Supp. 25-1122 and 25-3107 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2301, AN ACT concerning public records; relating to trial jurors; legislative review of exceptions to disclosure of public records; amending K.S.A. 22-3408 and K.S.A. 2016 Supp. 45-229 and 75-7d08 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 45-229c, was considered on final action.

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

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

The bill passed, as amended.

HCR 5003, A CONCURRENT RESOLUTION urging Congress to propose the regulation freedom amendment to the Constitution of the United States, 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, Denning, Estes, Fitzgerald, Givens, Goddard, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley,

Holland, Kelly, Pettey, Rogers, Skubal.
The resolution was adopted.

EXPLANATION OF VOTE

Madam President: I'm not an expert in the Constitution of the United States but I don't think passing **HCR 5003** in such a slipshod manner is what our Founding Fathers expected. While suggesting a resolution to Congress is only the 1st step, it should be done in a serious, studious manner. A thorough vetting of the pros and cons needs to be done at a minimum. That was not done. No proponents came to the hearing. No questions were asked or answered. The committee spent all of 10 minutes discussing this before full passage. No one likes excessive regulation but this resolution steps over the bounds of Executive privilege. It will cause the work of the Congress to get bogged down into every major regulatory action. Do we realize that formulating, amending, or repealing regulations would also be covered? That's part of rule making. I think it's safe to say with the current atmosphere of Washington, DC, every regulation going forward would be challenged. Perhaps that is a good thing, but do we know the potential consequences? I think we owe it to Kansans to be more thoughtful in our legislation and that's why I cannot vote for this resolution at this time.—LYNN ROGERS

Senators Francisco, Haley, Hawk and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **HCR 5003**.

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.

HB 2313, (adoption of the committee amendments, see Senate Journal March 29, 2017, page 395) and the bill be passed as amended.

A motion by Senator Fitzgerald to amend **HB 2313** failed and the following amendment was rejected; on page 13, following line 27, by inserting:

"Sec. 9. K.S.A. 2016 Supp. 74-8744 is hereby amended to read as follows: 74-8744. (a) In accordance with rules and regulations adopted by the commission, the executive director shall have general responsibility for the implementation and administration of the provisions of this act relating to racetrack gaming facility operations, including the responsibility to:

(1) Certify net electronic gaming machine income by inspecting records, conducting audits, having agents of the Kansas lottery on site or by any other reasonable means; and

(2) assist the commission in the promulgation of rules and regulations concerning the operation of racetrack gaming facilities, which rules and regulations shall include, without limitation, the following:

(A) The number of electronic gaming machines allocated for placement at each racetrack gaming facility, subject to the provisions of subsection (b);

(B) standards for advertising, marketing and promotional materials used by racetrack gaming facility managers;

(C) the kind, type, number and location of electronic gaming machines at any racetrack gaming facility; and

(D) rules and regulations and procedures for the accounting and reporting of the

payments required from racetrack gaming facility managers under K.S.A. 2016 Supp. 74-8766, and amendments thereto, including the calculations required for such payments.

(b) Rules and regulations establishing the minimum and maximum number of electronic gaming machines allocated for placement at each racetrack gaming facility shall be adopted and published not later than 120 days after the effective date of this act. Such rules and regulations shall be subject to the following:

(1) At least 600, but not more than 1,400, electronic gaming machines shall be allocated to and placed at each racetrack gaming facility.

(2) The total number of electronic gaming machines allocated to and placed at all racetrack gaming facilities in the state shall not exceed 2,800. ~~Until lottery gaming facility management contracts for lottery gaming facilities in all gaming zones become binding, the total number of electronic gaming machines placed at all racetrack gaming facilities shall not exceed 2,200. When lottery gaming facility management contracts for lottery gaming facilities in all gaming zones have become binding, the lottery commission shall take privilege fee bids from the lottery gaming facility manager and racetrack gaming facility manager in each gaming zone for the remaining electronic gaming machines allocated to but not yet placed at the racetrack gaming facility in such zone. The minimum bid shall be a privilege fee of \$2,500 per electronic gaming machine. If the racetrack gaming facility manager submits the highest bid, the lottery commission shall place the remaining electronic gaming machines at the racetrack gaming facility. If the lottery gaming facility manager submits the highest bid, the commission shall not place any additional electronic gaming machines at the racetrack gaming facility.~~

(3) In addition to any privilege fee paid pursuant to paragraph (2), each racetrack gaming facility manager shall pay a privilege fee of \$2,500 for each electronic gaming machine placed at the racetrack gaming facility for which a privilege fee is not paid pursuant to paragraph (2).

(4) The racetrack gaming facility manager shall pay the privilege fees provided by this subsection to the executive director, who shall remit the entire amount to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the expanded lottery act revenues fund.

Sec. 10. K.S.A. 2016 Supp. 74-8746 is hereby amended to read as follows: 74-8746. (a) Except as provided in subsection (b):

(1) No electronic gaming machines shall be operated at a parimutuel licensee location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 with at least 13 live races conducted each day for not less than five days per week.

(2) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day

and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee shall not be required to conduct the second live race restricted to Kansas-bred horses unless there are at least seven qualified entries for such race, ~~and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.~~

(3) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.

(4) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.

(b) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection (a) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.

Sec. 11. K.S.A. 2016 Supp. 74-8747 is hereby amended to read as follows: 74-8747. (a) ~~Except as provided in section 12, and amendments thereto,~~ net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2016 Supp. 74-8767, and amendments thereto, ~~except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;~~

(3) 7% of net electronic gaming machine income shall be credited to the live

greyhound racing purse supplement fund established by K.S.A. 2016 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

~~(4) (A) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the racetrack gaming facility revenues to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the racetrack gaming facility revenues to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;~~

~~(5) (A) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the racetrack gaming facility revenues net gaming machine income to the county in which the racetrack gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the racetrack gaming facility revenues net gaming machine income to the city in which the racetrack gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;~~

~~(6) (5)~~ 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2016 Supp. 79-4805, and amendments thereto;

~~(7) (6)~~ 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;

~~(8) (7)~~ 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and

~~(9) (8)~~ 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)~~(9)~~ (8).

Net Sec. 12. (a) Net electronic gaming machine income from a racetrack gaming facility located in the northeast Kansas gaming zone shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 64.5% of net electronic gaming machine income during the first and second full years the racetrack gaming facility is in operation and 60.5% during the third full year and all subsequent years the racetrack gaming facility is in operation;

(2) 10% of net electronic gaming machine income shall be credited to the live horse

racing purse supplement fund established by K.S.A. 2016 Supp. 74-8767, and amendments thereto, during the first and second full years the racetrack gaming facility is in operation and 14% during the third and subsequent years the racetrack gaming facility is in operation;

(3) 2% of the net electronic gaming machine income shall be credited to the county in which the racetrack gaming facility is located;

(4) 0.5% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2016 Supp. 79-4805, and amendments thereto;

(5) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto; and

(6) 22% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate.

Sec. 13. K.S.A. 2016 Supp. 74-8751 is hereby amended to read as follows: 74-8751. The Kansas racing and gaming commission, through rules and regulations, shall establish:

(a) A certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in a lottery gaming facility manager or racetrack gaming facility manager. Such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, such certification requirements shall include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(b) a certification requirement, and enforcement procedure, for those persons, including electronic gaming machine manufacturers, technology providers and computer system providers, who propose to contract with a lottery gaming facility manager, a racetrack gaming facility manager or the state for the provision of goods or

services related to a lottery gaming facility or racetrack gaming facility, including management services. Such certification requirements shall include compliance with such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in such entity as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits and associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, or equivalent foreign securities law, such certification requirements include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. If the executive director of the racing and gaming commission determines the certification standards of another state are comprehensive, thorough and provide similar adequate safeguards, the executive director may certify an applicant already certified in such state without the necessity of a full application and background check. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(c) provisions for revocation of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a 0.5% or more interest therein: (1) Has knowingly provided false or misleading material information to the Kansas lottery or its employees; or (2) has been convicted of a felony, gambling related offense or any crime of moral turpitude; and

(d) provisions for suspension, revocation or nonrenewal of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a 0.5% or more interest therein: (1) Has failed to notify the Kansas lottery about a material change in ownership of the certificate holder, or any change in the directors or officers thereof; (2) is delinquent in remitting money owed to the Kansas lottery; (3) has violated any provision of any contract between the Kansas lottery and the certificate holder; or (4) has violated any provision of the Kansas expanded lottery act or any rule and regulation adopted hereunder.

Sec. 14. K.S.A. 74-8836 is hereby amended to read as follows: 74-8836. (a) Any organization licensee that conducts at least ~~150~~ 60 days of live racing during a calendar year or is in compliance with provisions of K.S.A. 2016 Supp. 74-8746, and amendments thereto, or a fair association that conducts fewer than 22 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel

wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. ~~A simulcasting license granted to a fair association that conducts fewer than 22 days of live racing shall restrict the fair association's display of simulcast races to a number of days, including days on which it conducts live races, equal to not more than twice the number of days on which it conducts live races.~~

(b) (1) A simulcasting license granted to an organization licensee other than a fair association shall authorize the display of simulcast races at the racetrack facility where the live races are conducted so long as the licensee conducts at least eight live races per day and an average of 10 live races per day per week or is in compliance with provisions of K.S.A. 2016 Supp. 74-8746, and amendments thereto. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than an average of 10 live horse races per day per week, not less than 80% of the races on which wagers are taken by the licensee during such week shall be live races conducted by the licensee unless approved by the recognized horsemen's group or upon a finding by the commission that the organization licensee was unable to do so for reasonable cause. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee schedules fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

(2) A simulcasting license granted to a fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted ~~only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet or simulcast races allowed under this subsection exceed 10 consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.~~

~~(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a fair association to display additional simulcast races but, if such fair association is less than 100 miles from an organization licensee that is not a fair association, it also shall secure written consent from that organization licensee.~~

~~(4)~~(3) Notwithstanding the provisions of subsection (b)(1), if an emergency causes the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.

~~(5)~~(4) Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

- (d) To qualify for a simulcasting license the applicant shall:
- (1) Comply with the interstate horse racing act of 1978 (15 U.S.C. 3001 et seq.) as in effect December 31, 1991;
 - (2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) The recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C) both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; (D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E) the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races; and
 - (3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement which the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.
- (e) The term of a simulcasting license shall be one year.
- (f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.
- (g) Except as provided by subsection (j), the takeout for simulcast horse and greyhound races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 74-8823, and amendments thereto. Of the balance of the takeout remaining after deduction of taxes, an amount equal to a percentage, to be determined by the commission, of the gross sum wagered on simulcast races shall be used for purses, as follows:
- (1) For greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;
 - (2) for horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;
 - (3) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races; or

(4) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races. That portion of simulcast purse money determined to be used for horse purses shall be apportioned by the commission to the various horse race meetings held in any calendar year based upon the number of live horse race dates comprising such horse race meetings in the preceding calendar year.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(2) If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.

(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8822, and amendments thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments

thereto.

(i) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 74-8823, and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(k) If the organization licensee, facility owner licensee if any and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

(l) This section shall be part of and supplemental to the Kansas parimutuel racing act.;

Also on page 13, in line 28, by striking the first "and" and inserting ", 74-8836 and"; in line 29, after "74-8723" by inserting ", 74-8744, 74-8746, 74-8747, 74-8751";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second semicolon by inserting "amending the Kansas expanded lottery act.;" in line 4, by striking the first "and" and inserting ", 74-8836 and"; also in line 4, after "74-8702" by inserting "74-8711, 74-8744, 74-8746, 74-8747, 74-8751,;" in line 5, by striking the first "and" and inserting a comma; also in line 5, by striking " and 74-8711"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 17; Nays 22; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hensley, Holland, Kerschen, LaTurner, Lynn, Masterson, Olson, Suellentrop, Tyson, Wilborn.

Nays: Alley, Berger, Billinger, Bollier, Denning, Doll, Estes, Hardy, Hawk, Kelly, Longbine, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Present and Passing: Francisco.

The amendment was rejected.

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

Announcing passage of **HB 2319, HB 2362, HB 2391.**

Announcing passage of **SB 55; Sub SB 85; SB 174.**

Announcing passage of **SB 149**, as amended.

The House accedes to the request of the Senate for a conference on **H Sub SB 40** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 46** and has appointed Representatives Hoffman, Thompson and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 50** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 89** and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 101** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 124** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2319, HB 2362, HB 2391 were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson, the morning report and the following report was

adopted:

SB 179, SB 205; HB 2054, HB 2095, HB 2111, be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2170 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 1, in line 6, by striking "at nighttime" and inserting "between sunrise and sunset"; in line 9, by striking all after "rear"; in line 12, by striking "emitting" and inserting "that shall emit"; in line 15, by striking "clothing" and inserting "a device"; also in line 15, after "emits" by inserting "a red or amber"; also in line 15, by striking "at" and inserting "from"; in line 20, by striking all after "reflector"; in line 21, by striking "transportation", and **HB 2170** be passed as further amended.

SB 138 be amended by the adoption of the committee amendments, be further amended by motion of Senator Longbine; on page 8, in line 37, before "On" by inserting:

"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. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%; 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) ";

Also on page 8, in line 42, by striking "(e)" and inserting "(g)";

On page 11, in line 34, by striking all after "retirants"; in line 35, by striking all before "who";

On page 16, following line 21, by inserting:

"(4) (a) On and after July 1, 2016, a school district may hire a retired licensed professional to fill a special teacher position as defined in K.S.A. 72-962, and amendments thereto, if such retirant is hired not prior to 60 days after such retirant's retirement date without any prearrangement with such school district in the manner prescribed in this subsection. The participating employer shall enroll all retirants and report to the system when compensation is paid to a retirant as provided in this subsection. Such notice 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.

(b) A retirant hired under the provisions of this subsection may continue to receive such retirant's full retirement benefit for a period not to exceed three school years or 36 months, whichever is less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. Such retirant may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retirant's total term of employment with all employers under this subsection does not exceed 36 months or three school years, whichever is less. After such period, the retirant shall be subject to the provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. The participating employer of such retirant shall pay to the system a 30% employer contribution based on the retirant's compensation during any such period of employment. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of

the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirants employed as special teachers, except as specifically provided in this subsection.

(c) Each school district that uses the provisions of this subsection to hire retirants shall maintain documentation describing their recruiting efforts to obtain non-retirant employees to fill the special teacher positions. Upon request of the joint committee on pensions, investments and benefits, an employer shall provide such documentation to the committee. If the committee finds that an employer has not made sufficient efforts to hire a non-retirant for the position or if the committee finds evidence of prearrangement in violation of this section, the three-year exemption provided pursuant to this subsection may be revoked. The committee shall notify the executive director of the system that a retirant's exemption has been revoked within 30 days of making such a determination.

(d) An employer may submit a written assurance protocol to the system to make a one-time extension to the exception provided for in this subsection by one year. Such written assurance protocol shall be signed by the superintendent and the board president of the school district. 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 an appropriate teaching license for the state of Kansas or possessed the appropriate credentials to receive any type of teaching license from the state of Kansas.

(e) 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.

(f) The provisions of this subsection shall expire on January 1, 2018.

(5) (a) On and after July 1, 2016, a school district may hire a retired licensed professional to fill a non-special teacher position if such retirant is hired not prior to 60 days after such retirant's retirement date without any prearrangement with such school district, and if such school district hires a retirant for a hard-to-fill position in the manner prescribed in this subsection. The participating employer shall enroll all retirants and report to the system when compensation is paid to a retirant as provided in this subsection. Such notice 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.

(b) The state board of education shall annually certify the top five types of licensed

positions that are hard to fill. A school district may hire a retirant to fill a hard-to-fill position for some or all of a school year and in subsequent school years if the employer is unable to permanently fill the position with an active member. A retirant first hired under the provisions of this subsection may be retained by an employer even if such retirant's type of position is no longer one of the five types of positions certified by the state board of education. A retirant hired under the provisions of this subsection may continue to receive such retirant's full retirement benefit for a period not to exceed three school years or 36 months, whichever is less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. Such retirant may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retirant's total term of employment with all employers under this subsection does not exceed 36 months or three school years, whichever is less. After such period, the retirant shall be subject to the provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. The participating employer of such retirant shall pay to the system a 30% employer contribution based on the retirant's compensation during any such period of employment. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirants employed as described in this subsection, except as specifically provided in this subsection.

(c) Each school district that uses the provisions of this subsection to hire retirants for hard-to-fill positions shall maintain documentation describing their recruiting efforts to obtain non-retirant employees to fill the hard-to-fill positions. Upon request of the joint committee on pensions, investments and benefits, a school district shall provide such documentation to the committee. If the committee finds that a school district has not made sufficient efforts to hire a non-retirant for the position or if the committee finds evidence of prearrangement in violation of this section, the three-year exemption provided pursuant to this subsection may be revoked. The committee shall notify the executive director of the system that a retirant's exemption has been revoked within 30 days of making such a determination.

(d) An employer may submit a written assurance protocol to the system to make a one-time extension to the exception provided for in this subsection by one year. Such written assurance protocol shall be signed by the superintendent and the board president

of the school district. 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 an appropriate teaching license for the state of Kansas or possessed the appropriate credentials to receive any type of teaching license from the state of Kansas.
- (e) 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.

(f) The provisions of this subsection shall expire on January 1, 2018.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also, on page 16, following line 38, by inserting:

"Sec. 4. K.S.A. 2016 Supp. 74-49,204 is hereby amended to read as follows: 74-49,204. The normal retirement date for a member of the system first employed by a participating employer on or after July 1, 2009, 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 K.S.A. 74-4914(10), and amendments thereto, and the attainment of age 65 with the completion of five years of credited service, or age 60 with the completion of 30 years of credited service. The provisions of this section shall apply to a member of the retirement system who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto.";

Also on page 16, in line 39, by striking "and" and inserting a comma; also in line 39, after "74-4937" by inserting "and 74-49,204";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking the first "and" and inserting a comma; also in line 4, after "74-4937" by inserting "and 74-49,204", and **SB 138** be passed as further amended.

A motion by Senator Olson to amend **SB 138** was withdrawn.

HB 2153 (adoption of the committee amendments, see Senate Journal March 29, 2017, page 395) be amended by motion of Senator Tyson; on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2016 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) Before ~~July~~ January 1, ~~2016~~ 2019, 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. 2016 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) The information required by K.S.A. 2016 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. K.S.A. 2016 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 take effect on and after January 1, 2016. This section shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.~~

Sec. 3. K.S.A. 2016 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;
- (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 ~~both the seller and~~ the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between the effective date of this act and January 1, 2019, 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. Failure to comply with the provisions of this subsection between the effective date of this act and January 1, 2019, 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.

(e) Every scrap metal dealer shall forward the information required by this section to the database described in K.S.A. 2016 Supp. 50-6,109a, and amendments thereto.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.

Sec. 4. K.S.A. 2016 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. 2016 Supp. 21-5801 through 21-5839 or K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 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. 2016 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2016 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$500 nor more than \$1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) If an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than \$1,500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.

Sec. 5. K.S.A. 2016 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. 2016 Supp. 21-5801 through 21-5839 or K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 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. 2016 Supp. 21-5904 and amendments thereto; interference with judicial process, K.S.A. 2016 Supp. 21-5905 and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least $\frac{3}{4}$ of the period for which the license is to be issued.

(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records

check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.;

On page 4, in line 16, by striking "is" and inserting "and K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,112a and 50-6,112b are"; in line 18, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "the" by inserting "attorney general's enforcement of the scrap metal theft reduction act;"; in line 2, after "and" by inserting "K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,112a and 50-6,112b and"; in line 3, by striking "section" and inserting "sections", and **HB 2153** be passed as further amended.

A motion by Senator Tyson to amend **HB 2153** was withdrawn.

The committee report on **HB 2053** recommending **S Sub HB 2053** be adopted, and the substitute bill be passed.

The committee report on **HB 2174** recommending **S Sub HB 2174** be adopted, and the substitute bill be passed.

CONSIDERATION OF APPOINTMENTS

In accordance with 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** and the Committee on **Assessment and Tax**.

By the Governor

On the appointment to the:

Kansas Public Employees Retirement Board of Trustees:

Kelly Arnold, term ends January 15, 2021

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Tax Appeals:

Ronald Mason, term ends January 15, 2021

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Tax Appeals:

Arlen Siegfried, term ends January 15, 2021

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Nancy Toelkes, term ends January 15, 2019

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

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

Nays: Kelly.

The appointment was confirmed.

FINAL ACTION

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 138, SB 179, SB 205; S Sub HB 2053; HB 2054, HB 2095, HB 2111, HB 2153, HB 2170; S Sub 2174; HB 2313** were advanced to Final Action and roll call.

SB 138, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; earnings limitation; exemptions; amending K.S.A. 2016 Supp. 46-2201, 74-4914, 74-4937, and 74-49,204 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-4914f.

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

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

The bill passed, as amended.

SB 179, AN ACT concerning human trafficking and related crimes; creating the crimes of unlawful use of a communication facility, promoting travel for child exploitation, internet trading in child pornography and aggravated internet trading in child pornography; relating to training for commercial driver's license applicants; sexual exploitation of a child; buying sexual relations; commercial sexual exploitation of a child; offender registration; expungement of juvenile adjudications; victim compensation; amending K.S.A. 2016 Supp. 12-4120, 21-5426, 21-5510, 21-6421, 21-6422, 22-4902, 22-4906, 38-2312, 74-7305 and 75-759 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 205, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; participating service credit; amending K.S.A. 74-4913 and 74-4956 and repealing the existing sections.

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

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

The bill passed, as amended.

S Sub HB 2053, AN ACT enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, Sykes, Taylor.

Present and Passing: Haley.
The substitute bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote NO on **Senate Substitute for House Bill 2053**. This legislation comes from the American Legislative Exchange Council, and negatively affects veterans. Testimony provided by the Commander of the Military Order of the Purple Heart, indicates that exposure to asbestos is the only known cause of mesothelioma, and 30% of all mesothelioma deaths are U.S. veterans. The testimony also says, "This legislation robs veterans of their constitutional right to a trial by jury by giving asbestos corporations the power to run out the clock on sick and dying veterans. Our veterans who suffer from mesothelioma, if they are lucky enough to determine a specific defendant who may be liable, should not have their cause of action delayed while they do or do not pursue claims against a personal injury trust....This also forces veterans to wait indefinitely while their attorney files a claim with little, or no, chance for a meaningful recovery. This legislation may well result in a suit not being adjudicated prior to the veteran's death or incapacity to participate in their own trial." For our veterans, I vote NO on **Senate Substitute for House Bill 2053**.—ANTHONY HENSLEY

Senators Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub HB 2053**.

Mr. Vice President: This legislation robs victims of mesothelioma of their constitutional right to a trial by jury by giving asbestos corporations the power to run out the clock on sick and dying victims. Veterans make up 30% of deaths but, teachers, firefighters, construction workers and mechanics all face on-the-job exposure. Kansas laws have already been enacted to protect asbestos companies, and ensure fairness and transparency. I vote NO on **S Sub HB 2053**.—PAT PETTEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2053**.

HB 2054, AN ACT concerning state agencies; relating to records and reports of the department of labor; providing data and information to the Kansas sentencing commission; amending K.S.A. 2016 Supp. 44-714 and 74-9101 and repealing the existing sections.

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

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

The bill passed, as amended.

HB 2095, AN ACT concerning the uniform act regulating traffic; relating to gross weight limits of certain vehicles, special permits; amending K.S.A. 2016 Supp. 8-1908 and repealing the existing section.

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

Voting 0.

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

Nays: Skubal.

The bill passed, as amended.

HB 2111, AN ACT concerning retirements and pensions; relating to the Kansas police and firemen's retirement system; providing certain death benefits to surviving spouses; amending K.S.A. 74-4959 and repealing the existing section.

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

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

The bill passed, as amended.

HB 2153, AN ACT concerning certain state agencies; relating to the attorney general's enforcement of the scrap metal theft reduction act; transfer of fees; notification of such transfer; amending K.S.A. 75-3036 and K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,112a and 50-6,112b and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hensley, Kelly, McGinn, Rogers, V. Schmidt.

The bill passed, as amended.

HB 2170, AN ACT concerning bicycles; relating to safety equipment; lamps and reflectors; amending K.S.A. 8-1592 and repealing the existing section.

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

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

The bill passed, as amended.

S Sub HB 2174, AN ACT concerning motor vehicles; relating to registration, decals for persons with disabilities; distinctive license plates; decals for certain military medals or badges; amending K.S.A. 8-1,126 and K.S.A. 2016 Supp. 8-1,125 and 8-1,156 and repealing the existing sections.

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

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

The substitute bill passed.

HB 2313, AN ACT concerning the Kansas lottery; dealing with lottery ticket vending machines and revenues derived therefrom; repealing the lottery sunset; debt setoff agreements with third party vendors; amending K.S.A. 74-8719 and 75-6203 and K.S.A. 2016 Supp. 74-8702, 75-6202, 75-6204 and 74-8711 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-8723.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Wilborn.

Nays: Baumgardner, Berger, Doll, Fitzgerald, Pilcher-Cook, Pyle, Sykes, Taylor, Tyson, Wagle.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 186** be amended on page 1, in line 11, by striking "state fiscal year" and inserting "reporting period"; in line 17, after "persons" by inserting "or providers"; also in line 17, after "licensed" by inserting "or permitted"; in line 18, by striking "and includes" and inserting "including hospitals and";

On page 3, in line 1, after the period by inserting "The department may utilize intergovernmental transfers or certified public expenditures to implement this section subject to the same provisions and requirements of section 2, and amendments thereto."; in line 9, by striking all after "transport"; by striking all in line 10; in line 11, by striking "providers"; in line 12, by striking "for increased reimbursement" and inserting "to transfer public funds to the state"; in line 14, by striking "state fiscal year" and inserting "reporting period"; in line 19, after "persons" by inserting "or providers"; also in line 19, by striking "by"; in line 20, by striking all before "to" and inserting "or permitted"; in line 21, after "Kansas" by inserting ", including hospitals and private entities to the extent permissible under federal law"; in line 26, by striking "for covered ground emergency medical transportation services"; in line 28, by striking all after "be"; by striking all in line 29; in line 30, by striking all before "to" and inserting ", at a minimum, in actuarially determined amounts"; in line 32, by striking "all"; in line 34, by striking "eligible providers" and inserting "medicaid managed care plans"; in line 35, by striking all after "shall"; by striking all in lines 36 through 38; in line 39, by striking all before the period and inserting "enter into contracts or contract amendments with eligible providers for the disbursement of increased capitation payments made pursuant to this section";

On page 4, in line 1, after the period by inserting "To the extent permissible under federal law,"; in line 3, by striking "permitted by federal law" and inserting "approved by the federal centers for medicare and medicaid services"; and the bill be passed as amended.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5014**.

HCR 5014, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2017 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Denning, **HCR 5014** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1732, SR 1733, SR 1734, SR 1735, SR 1736, SR 1737 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 30, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, April 3, 2017.

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 3, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Masterson was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, many have been praying for rain. And, Lord, You have richly provided. You've significantly reduced the need, the costs and labor, aimed at irrigation.

We know, by Your words, in Job 5:10, You send the rain to water the fields. And in Genesis 1:16, You made the sun to give us the light we need.

Now, Lord, please grant to us a steady balance of both. With Your blessings, we look forward to healthy crops, with far reaching benefits.

And, Lord, turning to the subject of health care, we want and need it; as our spirit, mind and bodies lean toward failing us. But there's division as we struggle over how to provide it; particularly for the neediest. Please provide wisdom, guidance and resources.

And, Lord, with all the craziness going on; although You didn't bless us to make the Final Four, bless those that did. As many come to enjoy or are saddened over the results, please provide safety for the teams, for the officials and for the crowds in attendance.

I humbly bow at Your throne of grace. In Jesus' Name, Amen and 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:

SB 243, AN ACT concerning reports relating to impaired health care providers; amending K.S.A. 65-4924 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:

Federal and State Affairs: **HB 2319**, **HB 2362**.

Judiciary: **HB 2391**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Wilborn the Senate nonconcurrent in the House amendments to

SB 149 and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator 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 following bills were stricken from the calendar in accordance with House Rule 1507 on March 30, 2017: **SB 47, SB 78; H Sub Sub SB 8.**

Announcing the House herewith transmits the veto message from the Governor on **HB 2044**, AN ACT concerning the department of health and environment; establishing the KanCare bridge to a healthy Kansas program; concerning clubhouse-based psychosocial rehabilitation programs, received and read on on March 30, 2017.

MESSAGE FROM THE GOVERNOR REGARDING VETO OF HOUSE BILL 2044

I have long maintained three criteria for evaluating Medicaid expansion under Obamacare. Any attempt to expand this entitlement program should include a plan to eliminate the inherited waiting list for services to our disabled community, include work requirements to help Kansans escape poverty, and have a neutral impact on the state budget. This bill does not meet those requirements. Additionally, I am disappointed this bill will lead to an increase in funding for Planned Parenthood.

The most effective welfare program is one that helps people find a good paying job, escape poverty, and gain economic security. This bill's work component is nothing more than a work referral program, which will not lead to real employment gains for low income families. A true work requirement, as currently exists in the TANF and SNAP programs, would encourage and assist low-income able-bodied Kansans in receiving the educational and employment opportunities they deserve. We cannot help our citizens build better lives without also incentivizing them to find a permanent path out of poverty.

Prior administrations created and expanded waitlists for Kansans with disabilities. Over the course of my administration, I have worked to reduce the disability waitlist for these services. Yet, instead of continuing this critical work, **HB 2044** prioritizes service for able-bodied adults without dependents instead of members of the disability community who need services now.

The cost of expanding Medicaid under ObamaCare is irresponsible and unsustainable. A recent third party study from Aon Hewitt estimates that expansion will cost Kansas taxpayers over \$1.2 billion from the state general fund over the coming years. In fact, states that have expanded have seen cost overruns of 110 percent or more than double the projection of enrollees. This bill is not budget neutral, instead placing a burden on the budget of unrestrainable costs.

Furthermore, this legislation ensures a significant increase in state and federal Medicaid dollars funneled towards abortion providers like Planned Parenthood. Kansas is a pro-life state, respecting the value and dignity of each unique human life. Our

citizens do not want their tax dollars supporting organizations that are antithetical to human dignity. We cannot and will not support this legislation that continues to fund organizations that undermine a culture of life.

Finally, it is unwise to undertake such a drastic change to our Medicaid system in Kansas while our partners in Washington, D.C. continue working to overhaul the Affordable Care Act. Congressional actions indicate there are many changes to Medicaid on the horizon. Despite lack of Congressional action last week, the White House and House Leadership have restarted negotiations on legislation to repeal the Affordable Care Act. These changes may impact many aspects of the Kansas Medicaid program, and attempting to overhaul our current system while these changes are still being worked out is potentially harmful to our state.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **House Bill 2044**.

Dated: March 30, 2017

SAM BROWNBACK, *Governor of Kansas*

A motion was made that **HB 2044** be passed notwithstanding the Governor's veto. By a vote of 81 Yeas and 44 Nays, the motion failed to receive the required two-thirds constitutional majority of the elected members or appointed to the House of Representatives and the veto was sustained.

REPORT ON ENROLLED BILLS

SB 26, SB 36, SB 63; Sub SB 74; SB 100, SB 110, SB 154 reported correctly enrolled, properly signed and presented to the Governor on March 31, 2017.

SR 1738, SR 1739 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 3, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, April 4, 2017.

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 4, 2017, 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, Elias B. Bracamonte, Associate Pastor, Emmanuel Baptist Church in Topeka, to deliver the invocation:

Heavenly Father, we come before Your presence with a humble heart, knowing that apart from You we can do nothing.

We acknowledge that You are sovereign, Lord of lords and King of kings.

Your word tells us that, "...if My people who are called by My name will humble themselves, and pray and seek My face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and heal their land. Now My eyes will be open and My ears attentive to prayer made in this place."

We pray that You will grant us Your continued blessings and providence to meet our needs.

Lord, today bless the gathering of the Senate in this chamber. Bless their respective staff and the committees for their time and effort, and that you will lead them to make the right decisions for all the people of this great state of Kansas.

For today, we pray in the name of our Lord, Jesus Christ. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:

Public Health and Welfare: **SB 243**.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2277; HB 2360**.

Announcing passage of **SB 70**, as amended by **H Sub SB 70**.

Announcing passage of **SB 184**.

The House concurs in Senate amendments to **HB 2030**.

The House concurs in Senate amendments to **HB 2025**.

The House concurs in Senate amendments to **HB 2140**.

The House nonconcur in Senate amendments to **HB 2041**, requests a conference and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub HB 2053**, requests a

conference and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2054**, requests a conference and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2085**, requests a conference and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2092**, requests a conference and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2111**, requests a conference and has appointed Representatives Kelly, Powell and Trimmer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2128**, requests a conference and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2153**, requests a conference and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2158**, requests a conference and has appointed Representatives Esau, Carpenter and Miller as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2170**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2174**, requests a conference and has appointed Representatives Osterman, Clark and Weigel as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2301**, requests a conference and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2313**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 149** and has appointed Representatives Finch, F. Patton and Carmichael as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2277; HB 2360 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2041**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **S Sub HB 2053**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2054**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2085**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2092**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Longbine, the Senate acceded to the request of the House for a conference on **HB 2111**.

The President appointed Senators Longbine, Billinger and Rogers 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 2128**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2153**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Bowers, the Senate acceded to the request of the House for a conference on **HB 2158**.

The President appointed Senators Bowers, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2170**.

The President appointed Senators Petersen, Doll 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 **S Sub HB 2174**.

The President appointed Senators Petersen, Doll 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 2301**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2313**.

The President appointed Senators LaTurner, Estes and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2052** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 14, after the second comma by inserting "and"; also in line 14, by striking "and June 30, 2025,";

On page 7, following line 4, by inserting:

"Community aid (039-00-1000-3004)..... \$40,283,925";

Also on page 7, by striking all in lines 41 through 43;

On page 8, by striking all in lines 1 through 11;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 11, in line 41, by striking "\$300,000" and inserting "\$2,109,429";

On page 18, following line 29, by inserting:

"Sec. 39. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary of corrections, from moneys appropriated from the state general fund or any special revenue fund or funds for the department of corrections for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this act or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary of corrections from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Leavenworth county, Kansas, subject to the provisions of this section:

TRACT I

The Fractional East 1/2 of the Northeast 1/4 of Section 30, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, LESS any part thereof taken or used for road purposes.

ALSO LESS

Beginning at a point in the center of the North Line of the Northeast Quarter of Section 30, Township 9 South, Range 23 East of the 6th P.M., in Leavenworth County, Kansas; thence East 447 feet; thence South 500 feet; thence West 121 feet; thence South 820 feet; thence West 325 feet; thence North 1320 feet to the place of beginning.

ALSO LESS

Beginning from the northeast corner of Section 30, Township 9, Range 22 East, thence due South a distance of 750 feet, thence due West a distance of 750 feet, thence

North a distance of 750 feet, and thence East 750 feet to the point of beginning, said parcel of land leased to the City of Lansing, Kansas, for park purposes pursuant to Amended Lease Agreement recorded in Book 870, Page 1295.

AND

TRACT II

Commencing at the Southwest corner of the Northeast Quarter of Section 30, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas; thence North 60 rods; thence East 80 rods; thence South 60 rods; thence West 80 rods to the place of beginning, LESS any part thereof taken or used for road purposes.

(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of corrections without having first advised and consulted with the joint committee on state building construction.

(c) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-6609(c), and amendments thereto, or any other statute, the sale or conveyance of the real property described in subsection (a) shall not require approval of the state finance council.

(d) When the sale is made, the proceeds thereof shall be deposited in the state treasury in accordance with the provisions of K.S.A. 2016 Supp. 75-6609(f), and amendments thereto.

(e) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(f) In the event that the secretary of corrections determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 40. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this act or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P. M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section

Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) During fiscal year 2017, the real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the price agreed upon between the parties.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-6609(c), and amendments thereto, or any other statute, the sale or conveyance of the real property described in subsection (a) shall not require approval of the state finance council.

(e) When the sale is made, the proceeds thereof shall be deposited in the state treasury in accordance with the provisions of K.S.A. 2016 Supp. 75-6609(f), and amendments thereto.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(h) On the effective date of this act, the provisions of section 104(d) of chapter 12 of the 2016 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 41. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this act or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary for children and

families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Sedgwick county, Kansas, subject to the provisions of this section:

Lot 5, except the North 2 feet, all of Lot 7, and the North 4 feet of Lot 9, Palisade Avenue, Fair Grounds addition to the City of Wichita, Sedgwick County, Kansas; commonly known as 2105 Palisade, Wichita, Kansas.

(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(c) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-6609(c), and amendments thereto, or any other statute, the sale or conveyance of the real property described in subsection (a) shall not require approval of the state finance council.

(d) When the sale is made, the proceeds thereof shall be deposited in the state treasury in accordance with the provisions of K.S.A. 2016 Supp. 75-6609(f), and amendments thereto.

(e) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(f) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 42. On the effective date of this act, the provisions of section 50 of chapter 111 of the 2016 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.":

On page 28, in line 37, by striking "June 1" and inserting "or before June 27";

On page 29, in line 11, by striking "June 30, 2018,"; in line 13, by striking "¹/₇" and inserting "¹/₆"; in line 27, after the fourth comma by inserting "and"; also in line 27, by striking "and June 30, 2025,"; in line 28, by striking "¹/₇" and inserting "¹/₆";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the fifth comma by inserting "and"; also in line 3, by striking "and June 30, 2025,";

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

CAROLYN MCGINN

RICK BILLINGER

LAURA KELLY

Conferees on part of Senate

TROY WAYMASTER

ERIN DAVIS

KATHY WOLFE MOORE

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **S Sub HB 2052**.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The Conference Committee Report was adopted.

CHANGE OF CONFERENCE

Under the authority of the President, the Vice President announced the appointment of Senator Baumgardner as a member of the Conference Committee on **HB 2128** to replace Senator Lynn.

CHANGE OF REFERENCE

Under the authority of the President, Vice President Longbine withdrew **SB 201** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Federal and State Affairs**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2235**, **HB 2407**.

Announcing passage of **Sub Sub SB 95**.

Announcing passage of **SB 83**, as amended; **SB 96**, as amended.

The House nonconcur in Senate amendments to **HB 2067**, requests a conference and has appointed Representatives Vickrey, Dove and Neighbor as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2095**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2102**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2235, **HB 2407** were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Denning the Senate nonconcurred in the House amendments to **SB 96** and requested a conference committee be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **HB 2067**.

The Vice President appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **HB 2095**.

The Vice President appointed Senators Petersen, Doll and Pettey as conferees on the part of the Senate.

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **HB 2102**.

The Vice President appointed Senators Bowers, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 140** be passed.

Also, **SB 214** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) Commencing with fiscal year 2021, in any fiscal year in which the amount of selected actual state general fund receipts from such fiscal year exceeds the selected actual state general fund receipts for the immediately preceding fiscal year by more than 1%, the director of legislative research shall certify such excess amount to the secretary of revenue and the director of the budget. Upon receipt of such certified amount, the secretary shall compute a reduction in the Kansas retailers' sales and compensating use tax rate by 0.2% on food and food ingredients to go into effect for the next tax year.

(b) As used in this section, "selected actual state general fund receipts" means receipts from the following taxes and fees: Individual and corporation income taxes imposed under K.S.A. 79-32,110, and amendments thereto, financial institutions privilege taxes imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, retail sales taxes imposed under K.S.A. 79-3601 et seq., and amendments thereto, compensating use taxes imposed under K.S.A. 79-3701 et seq., and amendments thereto, cigarette and tobacco product taxes imposed under K.S.A. 79-3301 et seq., and amendments thereto, cereal malt beverage and liquor gallonage taxes imposed under K.S.A. 41-501 et seq., and amendments thereto, liquor enforcement taxes imposed under K.S.A. 79-4101 et seq., and amendments thereto, liquor drink taxes imposed under K.S.A. 79-41a01 et seq., and amendments thereto, corporation franchise taxes imposed under K.S.A. 79-5401, and amendments thereto, annual franchise fees charged pursuant to law and mineral severance taxes imposed under K.S.A. 79-4216 et seq., and amendments thereto.

Sec. 2. K.S.A. 2016 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

- (1) *Married individuals filing joint returns.*
- (A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000.....	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$30,000	3.0% of Kansas taxable income
Over \$30,000	\$900 plus 4.9% of excess over \$30,000

(C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.8% of excess over \$30,000

(D) For tax years 2015, 2016 and 2017:

If the taxable income is:	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.6% of excess over \$30,000

~~(E) For tax year 2018, and all tax years thereafter:~~

If the taxable income is:	The tax is:
Not over \$30,000	2.6% of Kansas taxable income
Over \$30,000	\$780 plus 4.6% of excess over \$30,000

(2) *All other individuals.*

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000

(B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$15,000	3.0% of Kansas taxable income
Over \$15,000	\$450 plus 4.9% of excess over \$15,000

(C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$15,000	2.7% of Kansas taxable income
Over \$15,000	\$405 plus 4.8% of excess over \$15,000

(D) For tax years 2015, 2016 and 2017:

If the taxable income is:	The tax is:
Not over \$15,000	2.7% of Kansas taxable income

Over \$15,000\$405 plus 4.6% of excess over \$15,000

(E) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000	2.6% of Kansas taxable income
Over \$15,000	\$390 plus 4.6% of excess over \$15,000

(3) All resident individuals. For tax year 2018, and all tax years thereafter, for all individuals regardless of filing status, the tax shall be in an amount equal to 4.6% of the Kansas taxable income of such individuals.

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;

(B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and

(C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in subsection (a)(2) hereof.

(e) ~~Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2016 Supp. 79-32,269, and amendments thereto.~~

~~(f)~~ Notwithstanding the provisions of subsections (a) and (b), for tax-year years 2016 and 2017, and all tax years thereafter, married individuals filing joint returns with taxable income of \$12,500 or less, and all other individuals with taxable income of \$5,000 or less, shall have a tax liability of zero.

Sec. 3. K.S.A. 2016 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political

subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto, and commencing in tax year 2018, and all tax years thereafter, any amount of member contributions made on a pretax basis pursuant to K.S.A. 74-4925, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2016 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. 2016

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. 2016 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2016 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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. 2016 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2016 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For ~~all~~ 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. 2016 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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) Any taxpayer who is in compliance with the provisions of this section, as they appear on June 30, 2017, shall not be assessed penalties and interest arising from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment occurred prior to July 1, 2017, and is rectified on or before April 15, 2018.

Sec. 4. K.S.A. 2016 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 2017~~, 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 2018, 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 the base standard deduction as determined under section 63 of the federal internal revenue code. 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 1, in line 22, by striking "2017" and inserting "2018"; in line 32, by striking "2017" and inserting "2018";

On page 2, in line 6, by striking "50%" and inserting "100%"; following line 16, by inserting:

"Sec. 6. K.S.A. 2016 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in ~~subsection (b)~~ of 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. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 72-99a07, 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 ~~subsection (c)~~ of 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. 2016 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto;

(iv) for all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the

internal revenue code; and

(v) for all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under ~~paragraph (iv) of subsection (b) of 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) ~~of K.S.A. 79-32,138, and amendments thereto,~~ and subtraction modifications as provided for in subsection (c)(iii) ~~of K.S.A. 79-32,138, and amendments thereto,~~ as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

Sec. 7. K.S.A. 2016 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 North Central Association of Colleges and Schools, 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. "Food and food ingredients" does include bottled water, candy, dietary supplements, soft drinks or food sold through vending machines.

(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 of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers

where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- (A) The seller's cost of the property sold;
- (B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;
- (C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- (D) delivery charges; and
- (E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3) "Sales or selling price" shall not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of

sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and

(E) commencing on July 1, 2006, and ending on June 30, 2009, 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. 2016 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 packaged 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; and
- (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.

(jjj) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.

(lll) "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(jjj), and amendments thereto.

Sec. 8. K.S.A. 2016 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 that commencing on July 1, 2018, the rate on food and food ingredients shall be 5.5% and as further reduced by section 1, 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 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 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. 2016 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. 2016 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. 2016 Supp. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 2016 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. 2016 Supp. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; and

(x) commencing on July 1, 2018, and thereafter, the gross receipts from the sale of food and food ingredients shall be taxed at 5.5% and further reduced at the rate determined by the secretary of revenue pursuant to section 1, and amendments thereto. The provisions of this subsection 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 section 311, except for 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.

(5) Bottled water that is not otherwise sold as prepared food.

Sec. 9. K.S.A. 2016 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 deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2018, 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 rates prescribed by that section, 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. 2016 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. 2016 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. 10. K.S.A. 2016 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%, except that commencing on July 1, 2018, such rate on food and food ingredients shall be 5.5% and as further amended by section 1, 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. 11. K.S.A. 2016 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, 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.

(7) On July 1, 2018, 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, at the rates prescribed by that section, 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.";

Also on page 2, in line 17, after "Supp." by inserting "79-32,110, 79-32,117, 79-32,119,"; also in line 17, by striking "is" and inserting ", 79-32,138, 79-32,269, 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "income"; also in line 1, by striking "itemized" and inserting "income tax, rates, determination of Kansas adjusted gross income,"; also in line 1, by striking the comma; in line 2, by striking all before the semicolon and inserting "; sales and compensating use tax, food and food ingredients, rates"; also in line 2, after "Supp." by inserting "79-32,110, 79-32,117, 79-32,119,"; also in line 2, after "79-32,120" by inserting ", 79-32,138, 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710"; in line 3, by striking "section" and inserting "sections; also repealing K.S.A. 2016 Supp. 79-32,269"; and the bill be passed as amended.

HB 2162, as amended by House Committee, be amended on page 2, in line 15, after the period by inserting "Prior to July 1, 2018,"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 55; Sub SB 85; SB 174 reported correctly enrolled, properly signed and presented to the Governor on April 4, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m, Wednesday, April 5, 2017.

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 5, 2017, 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:

We thank You for the rain we've had and for the rain yet to come. While You're blessing the crops, Lord, fulfill our need for wisdom. And, the need we have is for Your wisdom. In 1 Corinthians 1:19, we learn that there's a wisdom that is not of You; a wisdom that is void of Your Divine influence.

Since true wisdom is seeing everything from Your perspective, increase our ability to see things as You see them.

Show us with the wisdom needed for today; wisdom for the tasks that stand before us; wisdom regarding how to reach across the aisle; wisdom regarding interpersonal relationships. Give us Your insights and Your guidance on how to rise above the irritations of others.

In fact, Lord, in the wisdom of Proverbs 27:17, You said that as iron scrapes against iron, it sharpens it. So, the various scuffs and scratches of others are used by You to improve us. And, Lord, we want to improve. We want to be better...better in this house...in our house and in all the houses we enter.

So, strengthen our resolve to be wise in following You, for You are the Potter and we are the clay. Mold us, Lord, in Your way.

I pray in the Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINTS OF PERSONAL PRIVILEGE

Senator Hardy rose on a Point of Personal Privilege to recognize the coaches and team members of the Salina Sacred Heart High School boys basketball team as the 2017 2A State Champions.

Senators honored the coaches and team members with a standing ovation.

Senator Kerschen rose on a Point of Personal Privilege to honor Senate Chaplain, Reverend Cecil T. Washington and his wife Audrey. Senate spouses recognized Chaplain Washington for his work with the PALS (Prayers Answered, Lives Saved) Bible-based, 12 step program for those suffering from addiction.

Senators honored Pastor Washington and Audrey with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 244, 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. 2016 Supp. 21-5419, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-3717, 22-4902, 22-4906, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 21-5401, 21-6614g, 21-6614h, 21-6617 and 21-6619, by Committee on Ways and Means.

SB 245, AN ACT concerning administrative rules and regulations; relating to review of rules and regulations by state agencies; functions of the joint committee on administrative rules and regulations; reports including impact on business and economic development; amending K.S.A. 2016 Supp. 77-416 and 77-436 and repealing the existing sections, by Committee on Ways and Means.

SB 246, AN ACT concerning compensation of legislators during the regular sessions of the legislature, by Committee on Ways and Means.

Senate Concurrent Resolution 1607—

By Committee on Federal and State Affairs

A PROPOSITION to amend section 1 of the bill of rights of the constitution of the state of Kansas, relating to equal rights, by Committee on Federal and State Affairs:

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 that 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 2018 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2235**.

Federal and State Affairs: **Sub HB 2277**.

Ways and Means: **HB 2360, HB 2407**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator LaTurner the Senate nonconcurred in the House amendments to **H Sub SB 70** and requested a conference committee be appointed.

The Vice President appointed Senators LaTurner, Estes and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator LaTurner the Senate nonconcurred in the House amendments to **SB 83** and requested a conference committee be appointed.

The Vice President appointed Senators LaTurner, Estes and Faust-Goudeau as a conference committee on the part of the Senate.

Upon 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.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Longbine moved the Senate concur in House amendments to **SB 20**.

SB 20, AN ACT concerning financial institutions; relating to certain acts under the administration of the state bank commissioner; amending K.S.A. 9-2204, 50-1118, 50-1119, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128 and 50-1129 and K.S.A. 2016 Supp. 9-508, 9-509, 9-513a, 9-1101, 9-1102, 9-1104, 9-1114, 9-2203, 9-2206, 9-2211, 9-2216a and 50-1117 and repealing the existing

sections.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Masterson, Pilcher-Cook, Pyle, Tyson.

The Senate concurred.

Senator V. Schmidt moved the Senate concur in House amendments to **H Sub SB 51**.

H Sub SB 51, AN ACT concerning controlled substances; the state board of pharmacy; relating to scheduling of controlled substance analogs, controlled substances and new drugs; emergency scheduling; amending K.S.A. 2016 Supp. 21-5701, 65-4101, 65-4102, 65-4105, 65-4107, 65-4111 and 65-4113 and repealing the existing sections.

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

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

The Senate concurred.

Senator Longbine moved the Senate concur in House amendments to **SB 65**.

SB 65, AN ACT concerning alcoholic beverages; pertaining to alcoholic liquors pledged as collateral; relating to sale by creditors thereof; amending K.S.A. 41-1125 and repealing the existing section.

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

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

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2080** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2016 Supp. 8-1,134 is hereby amended to read as follows: 8-1,134. (a) Except as provided in subsection ~~(d)~~ (c): (1) Each motor vehicle, trailer or semitrailer owned or leased by any city, county, township, water district or school district of this state or by any agency or instrumentality of any city, county or township and used exclusively for governmental, water district or school district purposes and not

for any private purposes, which is not otherwise exempt from registration; or (2) each truck tractor, trailer or semitrailer leased by a community college or technical college and used exclusively for a truck driver training program, which is not otherwise exempt from registration, shall be registered for a fee established by rules and regulations adopted by the secretary of revenue, except that such fee shall not exceed the actual cost of such registration. Such registration shall be permanent in nature and designed in such a manner as to remain with a vehicle for the duration of the life span of the vehicle, the duration of the lease or until the title is transferred to an owner who is not a city, county, township, water district, school district, community college or technical college.

(b) License plates issued for city, county, township, water district, school district, community college or technical college vehicles shall be distinctive and shall contain the words city, county, township, water district, school district, community college or technical college, as applicable and there shall be no year date thereon.

(c) Vehicles registered under this section which are used for utility purposes shall be issued license plates as prescribed by subsection (b), except that such license plates shall be issued for periods of five years, but shall be required to pay all license fees imposed pursuant to K.S.A. 8-143, and amendments thereto, as though such vehicles were registered annually. The secretary of revenue shall design decals to be affixed to such license plates containing the word utility and the date the registration is to expire.

(d) The secretary of revenue shall adopt rules and regulations necessary to carry out the provisions of this act.";

On page 2, in line 10, by striking "is" and inserting "and K.S.A. 2016 Supp. 8-1,134 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "rural"; also in line 1, after "to" by inserting "vehicle registration;"; in line 2, after "and" by inserting "K.S.A. 2016 Supp. 8-1,134"; in line 3, by striking "section" and inserting "sections";

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

DAN KERSCHEN

BUD ESTES

MARCI FRANCISCO

Conferees on part of Senate

TOM SLOAN

KEN RAHJES

PONKA-WE VICTORS

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2080**.

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

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

The Conference Committee Report was adopted.

On motion of Senator Denning the senate recessed until 2:30 p.m.

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

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2026** 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. 2026 as follows:

On page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 35; following line 35, by inserting:

"Section 1. (a) Upon request by a participating healthcare provider under the Kansas medical assistance program, the secretary of health and environment shall provide accurate and uniform patient encounter data that complies with the federal health insurance portability and accountability act of 1996 and applicable federal and state statutory and regulatory requirements, including, but not limited to, the:

- (1) Managed care organization claim number;
- (2) patient medicaid identification number;
- (3) patient name;
- (4) type of claim;
- (5) amount billed by revenue code and procedure code;
- (6) managed care organization paid amount and paid date; and
- (7) hospital patient account number.

(b) Upon receiving a request for patient encounter data pursuant to subsection (a), the department of health and environment shall furnish to the participating healthcare provider all requested information within 60 calendar days after receiving the request for data. The department of health and environment may charge a reasonable fee for furnishing requested data, including only the cost of any computer services, including staff time required.

(c) (1) The secretary shall require any managed care organization providing state medicaid or children's health insurance program services under the Kansas medical assistance program to provide documentation to a healthcare provider when the managed care organization denies any portion of any claim for reimbursement submitted by the provider, including a specific explanation of the reasons for denial and utilization of remark codes, remittance advice and health insurance portability and accountability act of 1996 standard denial reasons.

(2) Each managed care organization shall offer quarterly in-person training on remark codes and health insurance portability and accountability act of 1996 standard denial reasons and any other denial reasons or remark codes specific to the managed care organization.

(d) The secretary shall require managed care organizations providing state medicaid or children's health insurance program services under the Kansas medical assistance program to offer quarterly in-person education regarding billing guidelines, reimbursement requirements and program policies and procedures utilizing a format approved by the secretary and incorporating information collected through semi-annual

surveys of participating healthcare providers.

(e) The secretary shall develop uniform standards to be utilized by each managed care organization providing state medicaid or children's health insurance program services under the Kansas medical assistance program regarding:

(1) A standardized enrollment form and a uniform process for credentialing and re-credentialing healthcare providers who have signed contracts or participation agreements with any such managed care organization;

(2) procedures, requirements, periodic review and reporting of reductions in and limitations for prior authorization for healthcare services and prescriptions;

(3) retrospective utilization review of re-admissions that complies with any applicable federal statutory or regulatory requirements for the medicaid program or the children's health insurance program, prohibiting such reviews for any recipient of medical assistance who is re-admitted with a related medical condition as an inpatient to a hospital more than 15 days after the recipient patient's discharge;

(4) a grievance, appeal and state fair hearing process that complies with applicable federal and state statutory and regulatory procedure requirements, including any statutory remedies for timely resolution of grievances, appeals and state fair hearings, imposed upon managed care organizations providing state medicaid or children's health insurance program services; and

(5) requirements that each managed care organization, within 60 calendar days of receiving an appeal request, provide notice and resolve 100% of provider appeals, subject to remedies, including, but not limited to, liquidated damages if provider appeals are not resolved within the required time.

(f) The secretary shall procure the services of an independent auditor for the purpose of reviewing, at least once per calendar year, a random sample of all claims paid and denied by each managed care organization and each managed care organization's subcontractors.

(1) Each managed care organization and each managed care organization's subcontractors shall be required to pay any claim that the independent auditor determines to be incorrectly denied. Each managed care organization and each managed care organization's subcontractors may also be required to pay liquidated damages, as determined by the department of health and environment.

(2) Each managed care organization and each managed care organization's subcontractors shall be required to pay the cost of audits conducted under this subsection.

(3) The provisions of this subsection shall expire on January 1, 2020.

(g) The secretary shall require each managed care organization to pay 100% of the state-established per diem rate to nursing facilities for current medicaid-enrolled residents during any re-credentialing process caused by a change in ownership of the nursing facility.

(h) On and after the effective date of this section, a managed care organization providing state medicaid or children's health insurance program services under the Kansas medical assistance program shall not discriminate against any licensed pharmacy or pharmacist located within the geographic coverage area of the managed care organization that is willing to meet the conditions for participation established by the Kansas medical assistance program and to accept reasonable contract terms offered by the managed care organization.

(i) The secretary shall adopt rules and regulations as may be necessary to implement the provisions of this section prior to January 1, 2018.;

On page 3, in line 7, after "(1)" by inserting "On and after January 1, 2020,";

On page 6, in line 2, by striking all after "(g)"; by striking all in lines 3 through 8; in line 9, by striking "(h)"; in line 11, by striking "2019" and inserting "2020";

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

VICKI SCHMIDT
BARBARA BOLLIER
LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS
SUSAN CONCANNON
JOHN WILSON

Conferees on part of House

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub HB 2026**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Fitzgerald, Pilcher-Cook, Pyle.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2095** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, in line 11, by striking "and" and inserting "or";

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

MIKE PETERSEN
JOHN DOLL
PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL
SHANNON FRANCIS
ADAM LUSKER, SR.

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2095**.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Francisco, Skubal.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2158** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 2016 Supp. 25-213 is hereby amended to read as follows: 25-213. (a) At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices.

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

OFFICIAL PRIMARY ELECTION BALLOT

_____ Party

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

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

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

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

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

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

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

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

On page 11, following line 13, by inserting:

"Sec. 10. K.S.A. 25-4144 is hereby amended to read as follows: 25-4144. Not later than 10 days after becoming a candidate, every candidate shall appoint a treasurer or in lieu thereof shall appoint a candidate committee. The treasurer so appointed may be the candidate making such appointment. No candidate shall appoint more than one candidate committee to exist at the same time. If a candidate appoints a candidate committee, such candidate shall appoint a chairperson and a treasurer thereof, and the treasurer so appointed may be the candidate. No person who is registered as a lobbyist in accordance with K.S.A. 46-265, and amendments thereto, shall be eligible for appointment as treasurer for any candidate or candidate committee. The name ~~and~~ address and email address, which such email address shall be optional, of each treasurer and chairperson appointed under this section by a candidate for a state office shall be reported to the secretary of state by the candidate not later than 10 days after such appointment. The name ~~and~~ address and email address, which such email address shall be optional, of each treasurer and chairperson appointed under this section by a candidate for a local office shall be reported to the county election officer by the candidate not later than 10 days after such appointment. The candidate for governor shall carry out the requirements and responsibilities of the candidate under the campaign finance act, for the pair of candidates for governor and lieutenant governor, unless another specific provision applies.

Sec. 11. K.S.A. 2016 Supp. 25-4145 is hereby amended to read as follows: 25-4145. (a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee which anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee which anticipates receiving contributions or making expenditures for any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee. The name of the committee shall reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with any one organization, the name shall reflect the trade, profession or primary interest of the committee as reflected by the statement of purpose of such organization;

(2) the names ~~and~~ addresses and email addresses, which such email addresses shall be optional, of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10

days following the change.

(d) (1) Each political committee which anticipates receiving contributions shall register annually with the commission on or before July 1 of each year. Each political committee registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a political committee anticipating the receipt of \$2,501 or more in any calendar year shall be accompanied by an annual registration fee of \$300.

(3) Each registration by a political committee anticipating the receipt of more than \$500 but less than \$2,501 in any calendar year shall be accompanied by an annual registration fee of \$50.

(4) Each registration by a political committee anticipating the receipt of \$500 or less in any calendar year shall be accompanied by an annual registration fee of \$25.

(5) Any political committee which is currently registered under subsection (d)(3) or (d)(4) and which receives contributions in excess of \$2,500 for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form which shall be accompanied by an additional fee for such year equal to the difference between \$300 and the amount of the fee that accompanied the current registration.

(6) Any political committee which is currently registered under subsection (d)(4) and which receives contributions in excess of \$500 but which are less than \$2,501, shall file, within three days of the date when contributions exceed \$500, an amended registration form which shall be accompanied by an additional fee of \$25 for such year.

(e) All such fees received by or for the commission shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

Sec. 12. K.S.A. 2016 Supp. 25-4148b is hereby amended to read as follows: 25-4148b. (a) Every treasurer for a candidate for state or local office shall file reports of campaign contributions as prescribed by this act. Reports filed by treasurers for candidates for state office, ~~other than officers elected on a state wide basis,~~ shall be filed in ~~both~~ the office of the secretary of state ~~and in the office of the county election officer of the county in which the candidate is a resident.~~ Reports filed by treasurers for ~~candidates for state wide office shall be filed only with the secretary of state.~~ Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports required by this section shall be in addition to any other reports required by law.

(b) The report shall contain the name and address of each person who has made one or more contributions in an aggregate amount or value of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of election. The report shall be made on or before the close of business on the Thursday preceding the date of the election. The report shall contain the amount and date of the contribution, including the name and address of every lender, guarantor and endorser when the contribution is in the form of an advance or loan.

(c) Reports required by this section shall be filed by hand delivery, express delivery

service, facsimile transmission or any electronic method authorized by the secretary of state.

(d) (1) "Local office" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(2) "State office" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(e) The provisions of this section shall be part of and supplemental to the campaign finance act.;

Also on page 11, in line 14, by striking "and" and inserting a comma; in line 15, after "25-2701" by inserting "and 25-4144"; also in line 15, after "Supp." by inserting "25-213,"; also in line 15, by striking the second "and" and inserting a comma; also in line 15, after "25-3107" by inserting ", 25-4145 and 25-4148b";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "dealing with" and inserting "relating to"; in line 2, after the semicolon by inserting "write in candidates; candidate and political committee reports to the secretary of state; email addresses; reports of contributions preceding an election; filing location requirements;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after the second "and" by inserting "25-4144 and"; also in line 3, after "Supp." by inserting "25-213,"; also in line 3, by striking the third "and" and inserting a comma; also in line 3, after "25-3107" by inserting ", 25-4145 and 25-4148b";

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

ELAINE BOWERS
STEVE FITZGERALD
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

KEITH ESAU
BLAKE CARPENTER
VIC MILLER
Conferees on part of House

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2158**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2170** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on

conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 6, by striking all after "between"; in line 7, after "sunset" by inserting "and sunrise";

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

MIKE PETERSEN

JOHN DOLL

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

SHANNON FRANCIS

ADAM LUSKER, SR.

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2170**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2213** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 3, following line 38, by inserting the following:

"Sec. 2. K.S.A. 2016 Supp. 72-4484 is hereby amended to read as follows: 72-4484. The provisions of K.S.A. 2016 Supp. 72-4481, 72-4482 and 72-4483, and amendments thereto, shall expire on June 30, ~~2017~~ 2019.";

Also on page 3, in line 39, after "Supp." by inserting "72-4484 and"; also in line 39, by striking "is" and inserting "are";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "relating to the postsecondary technical education authority;"; in line 3, after "Supp." by inserting "72-4484 and"; also in line 3, by striking "section" and inserting "sections";

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

MOLLY BAUMGARDNER

JOHN DOLL

ANTHONY HENSLEY

Conferees on part of Senate

CLAY AURAND
 DIANA DIERKS
 VALDENIA WINN

Conferees on part of House

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2213**.

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

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

Nays: Pilcher-Cook.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2006; S Sub HB 2027; HB 2043; S Sub HB 2055; HB 2094, HB 2137**.

Announcing passage of **HB 2408, HB 2409**.

The House accedes to the request of the Senate for a conference on **SB 96** and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2408, HB 2409 were thereupon introduced and read by title.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2096** 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.

MIKE PETERSEN
 JOHN DOLL
 PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL
 SHANNON FRANCIS
 ADAM LUSKER, SR.

Conferees on part of House

On motion of Senator Petersen the Senate adopted the conference committee report on **HB 2096**, and requested a new conference be appointed.

The Vice President appointed Senators Petersen, Doll and Pettey as a second Conference Committee on the part of the Senate on **HB 2096**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 111** be amended on page 1, in line 5, by striking "6" and inserting "5";

On page 3, in line 33, after the semicolon by inserting "and"; in line 34, by striking all after "(D)"; by striking all in lines 35 through 37; in line 38, by striking "(E)";

On page 4, by striking all in lines 12 through 40; in line 42, by striking "4" and inserting "3";

On page 5, in line 3, by striking "5" and inserting "4"; following line 4, by inserting: "New Sec. 6. The provisions of sections 1 through 6, and amendments thereto, shall be part of and supplemental to the Kansas retailers' sales tax act.";

Also on page 5, in line 5, after "after" by inserting "January 1, 2018, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "and reports"; and the bill be passed as amended.

Also, **SB 146** be amended on page 1, following line 6, by inserting:

"New Section 1. No ad valorem tax exemption for real or personal property granted after the effective date of this act by any governing body of any city or the board of county commissioners of any county pursuant to the provisions of either: (a) Section 13 of article 11 of the constitution of the state of Kansas; or (b) K.S.A. 12-1740 et seq. and 79-201a *Second*, and amendments thereto, for any property constructed or purchased with the proceeds of revenue bonds shall be deemed to exempt any such property from the ad valorem property tax levied by or on behalf of a school district.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after "schools" by inserting ", limitation on exemption for certain property"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 201**; **HB 2098** 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 **HB 2129** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2129," as follows:

"Senate Substitute for HOUSE BILL No. 2129

By Committee on Ways and Means

"AN ACT concerning the department of administration; relating to exemption from monumental building surcharge for the division of post audit; energy audits, requirements; certain state contracts; amending K.S.A. 75-3743 and 75-3744 and K.S.A. 2016 Supp. 75-37,128 and repealing the existing sections.";

And the substitute bill be passed.

Also, **SB 240** be amended on page 2, following line 2, by inserting:

"(e) No conservation easement, as defined in K.S.A. 58-3810, and amendments thereto, shall be created for any of the tracts of land described in this section without prior specific authorization in an act of the legislature."; and the bill be passed as amended.

HB 2353, as amended by House Committee of the Whole, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2356, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 10:00.a.m., Thursday, April 6, 2017.

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 6, 2017, 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, Creator of us all.

We come today, with debts we're incapable of settling; that we're unable to pay off. In Romans 13:7-10, You said we should always pay what we owe; taxes, revenue, respect and honor. Whatever debt is owed, we're to pay it. But verse 8 is where You get us. That's where You said we can never be debt free, because we'll always owe love to one another.

You said in verse 10 that love is the fulfillment of Your law.

So Lord, since we can never fully pay our indebtedness, help us do better at making a stab at it.

But, sometimes, our love capitol seems to be running a little low, especially when You tell us to love our enemies or those that don't like us or disagree with us or even try to undermine us. Lord, help us take the love and forgiveness that You offer to us and guide us in offering it to others.

Teach us how to forgive and love those who rub us the wrong way. Help us express love to those on the other side as well as those on the same side.

You said that we reap what we sow; that what goes around comes around. So, as You use others to pay to us, use us to pay to others. Thanks for the giving and receiving as we serve one another in love.

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

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Denning rose on a Point of Personal Privilege to recognize members of the Kansas Federation of Republican Women visiting the Capitol.

Senators honored the women with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 247, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city and reimbursement of the cemetery district, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2408**.

Federal and State Affairs: **SCR 1607; HB 2409**.

Judiciary: **SB 244**.

Ways and Means: **SB 245, SB 246**.

MESSAGES FROM THE GOVERNOR

SB 26, SB 36, SB 63, SB 100, SB 110, SB 154 approved on April 4, 2017.

MESSAGE FROM THE HOUSE

The House not adopts the Conference Committee report on **S Sub Sub HB 2052**, requests a conference and appoints Representatives Waymaster, Davis and Wolfe Moore as Second conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 70** and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 83** and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House concurs in Senate amendments to **S Sub HB 2304**.

The House concurs in Senate amendments to **S Sub HB 2174**, and requests return of the bill.

Announcing passage of **HB 2180; Sub HB 2230; HB 2279**.

Announcing passage of **SB 23**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2180; Sub HB 2230; HB 2279 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **S Sub Sub HB 2052**.

The Vice President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 23** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

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 LaTurner in the chair.

SB 186 be amended by the adoption of the committee amendments, and the bill be

passed as amended.

SB 146 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 1, in line 9, by striking all after "by"; by striking all in line 10 and inserting "the board of tax appeals"; in line 13, after "*Second*" by inserting "or *Twenty-Fourth*"; also in line 13, by striking all after "property"; in line 15, by striking "or"; in line 16, by striking all before "a"; also in line 16, after "district" by inserting "pursuant to the provisions of K.S.A. 2016 Supp. 72-6470, and amendments thereto. The provisions of this section shall not apply to exemptions granted by the board of tax appeals when the associated resolution of intent to issue revenue bonds and grant property tax abatement was approved by any governing body of any city or the board of commissioners of any county or the public hearing required by K.S.A. 79-251, and amendments thereto, was conducted prior to May 1, 2017";

On page 2, in line 18, by striking "statute book" and inserting "Kansas register", and **SB 146** be passed as further amended.

SB 214 be amended by the adoption of the committee amendments, be further amended by motion of Senator Wagle; on page 1, by striking all in lines 10 through 35;

On page 27, in line 37, by striking "and as further reduced by section 1, and amendments thereto";

On page 32, in line 43, by striking the second "and";

On page 33, by striking all in line 1; in line 2, by striking all before the period;

On page 35, in line 42, by striking all after "5.5%"; in line 43, by striking all before the period;

And by renumbering sections accordingly.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 23; Nays 13; Present and Passing 4; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Hardy, Hawk, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Rogers, Suellentrop, Wagle, Wilborn.

Nays: Baumgardner, Fitzgerald, Francisco, Haley, Hensley, Holland, LaTurner, Masterson, Petersen, Pilcher-Cook, Pyle, Taylor, Tyson.

Present and Passing: Pettey, V. Schmidt, Skubal, Sykes.

A motion by Senator Pilcher-Cook to amend **SB 214** failed and the following amendment was rejected; on page 1, by striking all in lines 10 through 35;

On page 27, in line 36, by striking "July" and inserting "January"; also in line 36, by striking "2018" and inserting "2019"; in line 37, by striking "5.5% and as further reduced by section 1, and amendments thereto" and inserting "0%";

On page 32, in line 42, by striking "July" and inserting "January"; also in line 42, by striking "2018" and inserting "2019"; in line 43, by striking all after "at";

On page 33, by striking all in line 1; in line 2, by striking all before the period and inserting "0%";

On page 34, in line 26, by striking "July" and inserting "January"; also in line 26, by striking "2018" and inserting "2019";

On page 35, in line 41, by striking "July" and inserting "January"; also in line 41, by striking "2018" and inserting "2019"; in line 42, by striking all after "be"; in line 43, by striking all before the period and inserting "0%";

On page 37, in line 13, by striking "July" and inserting "January"; also in line 13, by

striking "2018" and inserting "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 12; Nays 26; Present and Passing 2; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Fitzgerald, Haley, Holland, LaTurner, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson.

Nays: Alley, Berger, Billinger, Bollier, Denning, Doll, Estes, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Kerschen, Longbine, Lynn, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Present and Passing: Faust-Goudeau, Kelly.

EXPLANATION OF VOTE

Mr. Chairman: I vote "NO" on the amendment to **Senate Bill 214** to reduce the sales tax on food to 0% starting in 2019. While I strongly support measures to reduce the sales tax on food and food ingredients, the bill is being offered to raise some of the revenue needed to balance our state budget. **Senate Bill 214** proposes having a single rate for income tax. I am concerned that we would need to raise that single income tax rate in this bill to replace the taxes now generated from the sales of food, transferring much of that burden to low and moderate income Kansas households – the very people we are saying we want to help by removing sales tax from food.—MARCI FRANCISCO

Mr. Chairman: We all know and agree on the need to lower the egregious sales tax on food. I also understand and agree with the Senator from Johnson, Senator Pilcher-Cook's desire to bring the tax to zero. However, we are facing financial challenges unprecedented in our history. With the current budget deficit as well as additional spending, including our constitutional responsibility to fund an education formula, this is not a fiscally conservative or a realistic solution at this time.—JULIA LYNN

Senators Berger, Bollier, Hawk and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Lynn on **SB 214**.

A motion by Senator Tyson to amend **SB 214** was withdrawn.

On motion of Senator Denning, the Senate recessed until 2:30 p.m.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **HB 2096**, and has appointed Representatives Proehl, Francis and Lusker as Second conferees on the part of the House.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator LaTurner in the chair.

On motion of Senator LaTurner, the morning report and the following afternoon

report were adopted.

Senator Alley moved **SB 214** be rereferred to the Committee on Assessment and Taxation.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 15; Nays 25; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Estes, Fitzgerald, Givens, Goddard, LaTurner, Lynn, Masterson, Petersen, Pilcher-Cook, Suellentrop, Tyson, Wilborn.

Nays: Berger, Billinger, Bollier, Denning, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Olson, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

The motion failed.

Senator Tyson moved **SB 214** be passed as further amended.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 2; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle.

Nays: Alley, Baumgardner, Fitzgerald, Petersen, Tyson, Wilborn.

Present and Passing: Masterson, Pilcher-Cook.

The motion was adopted and **SB 214** 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 146**, **SB 186** and **SB 214** were advanced to Final Action and roll call.

SB 146, AN ACT concerning property taxation; authorizing continuation of statewide levy for schools, limitation on exemption for certain property and exemption of portion of residential property therefrom; amending K.S.A. 2016 Supp. 72-6470 and 79-201x and repealing the existing sections.

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

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

Nays: Sykes.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **SB 146**. This bill reauthorizes the statewide mill levy for school years 2017-2018 and 2018-2019, but we do not have a tax plan or a school finance plan at this time. How do we know what our mill levy should be? We don't!—

DINAH SYKES

SB 186, AN ACT relating to reimbursement to eligible providers for medicaid ground emergency medical transportation services.

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

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

The bill passed, as amended.

SB 214, AN ACT concerning taxation; relating to income tax, rates, determination of Kansas adjusted gross income, deductions; sales and compensating use tax, food and food ingredients, rates; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 3; Nays 37; Present and Passing 0; Absent or Not Voting 0.

Yeas: Denning, Suellentrop, Wagle.

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

A constitutional majority having failed to vote in favor of the bill, **SB 214** did not pass.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. Vice President: I support the work of the Tax Committee and I support the structure of this tax plan. It is fair and provides a method to tax the people of Kansas. I do not support this tax bill due to its large tax increase to the taxpayers of Kansas.—
LARRY ALLEY

Senator Baumgardner requests the record to show she concurs with the "Explanation of Vote" offered by Senator Alley on **SB 214**.

Mr. Vice President: I vote no on **Senate Bill 214**. I cannot support a bill that negatively impacts low-income Kansans, especially knowing that if this bill passes, it will provide justification to make the Earned Income Tax Credit nonrefundable; causing even greater harm to Kansans who regularly struggle to make ends meet. The Senate tax committee already passed out of committee **Substitute for Senate Bill 192** as a conceptual bill to make EITC nonrefundable. It was passed without the specific language drafted and without holding hearings. Not only is this bad policy-making, it is just plain bad policy for the people of Kansas. Hardworking Kansans deserve better than this. That is why I vote no on **Senate Bill 214**.—OLETHA FAUST-GOUDEAU

Senators Haley, Hensley, Holland, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau on **SB 214**.

Mr. Vice President: Today, I vote no on **SB 214**. I believe we are on the right path, but we are not quite there yet with this bill. I support a broad, flat and fair tax system that will solve our budget issue and move Kansas to a simpler, fairer method of taxation. But, the vote today isn't about the underlying policy question at hand. Unfortunately, this was about political gamesmanship, attempting to send a false message to the public that a flat and fair approach to our tax system is somehow dead. The truth is, this vote today tells us nothing. The people of Kansas deserve better. I hope we can continue the process, and bring back a proposal that meets the needs of the state and moves us to a fairer tax structure.—TY MASTERSON

MESSAGE FROM THE HOUSE

Announcing passage of **SB 13**, as amended by **H Sub SB 13**.

The House accedes to the request of the Senate for a conference on **SB 23** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House adopts the Conference Committee report on **SB 46**.

The House not adopts the Conference Committee report on **SB 89**, requests a conference and appoints Representatives Proehl, Francis and Lusker as Second conferees on the part of the House.

The House adopts the Conference Committee reports on **S Sub HB 2026; HB 2080, HB 2095, HB 2158, HB 2170, HB 2213**.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **SB 89**.

The Vice President appointed Senators Petersen, Doll and Pettey as conferees on the part of the Senate.

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.

ORIGINAL MOTION

On motion of Senator Denning, joint rule 3(f) was suspended for the purpose of considering **S Sub Sub HB 2052**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2052** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 14, after the second comma by inserting "and"; also in line 14, by striking "and June 30, 2025,";

On page 7, following line 4, by inserting:
 "Community aid (039-00-1000-3004)\$40,283,925";
 Also on page 7, by striking all in lines 41 through 43;
 On page 8, by striking all in lines 1 through 11;
 And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;
 On page 9, in line 3, by striking "\$229,863,160" and inserting "\$143,993,394";
 On page 11, in line 41, by striking "\$300,000" and inserting "\$2,109,429";
 On page 15, in line 33, by striking "\$150,000,000" and inserting "\$64,130,234";
 On page 18, following line 29, by inserting:

"Sec. 39. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary of corrections, from moneys appropriated from the state general fund or any special revenue fund or funds for the department of corrections for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this act or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary of corrections from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Leavenworth county, Kansas, subject to the provisions of this section:

TRACT I

The Fractional East 1/2 of the Northeast 1/4 of Section 30, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, LESS any part thereof taken or used for road purposes.

ALSO LESS

Beginning at a point in the center of the North Line of the Northeast Quarter of Section 30, Township 9 South, Range 23 East of the 6th P.M., in Leavenworth County, Kansas; thence East 447 feet; thence South 500 feet; thence West 121 feet; thence South 820 feet; thence West 325 feet; thence North 1320 feet to the place of beginning.

ALSO LESS

Beginning from the northeast corner of Section 30, Township 9, Range 22 East, thence due South a distance of 750 feet, thence due West a distance of 750 feet, thence North a distance of 750 feet, and thence East 750 feet to the point of beginning, said parcel of land leased to the City of Lansing, Kansas, for park purposes pursuant to Amended Lease Agreement recorded in Book 870, Page 1295.

AND

TRACT II

Commencing at the Southwest corner of the Northeast Quarter of Section 30, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas; thence North 60 rods; thence East 80 rods; thence South 60 rods; thence West 80 rods to the place of beginning, LESS any part thereof taken or used for road purposes.

(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of corrections without having first advised and consulted with the joint committee on state building construction.

(c) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-6609(c), and amendments thereto, or any other statute, the sale or conveyance of the real property

described in subsection (a) shall not require approval of the state finance council.

(d) When the sale is made, the proceeds thereof shall be deposited in the state treasury in accordance with the provisions of K.S.A. 2016 Supp. 75-6609(f), and amendments thereto.

(e) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(f) In the event that the secretary of corrections determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 40. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this act or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P. M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast

Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) During fiscal year 2017, the real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the price agreed upon between the parties.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-6609(c), and amendments thereto, or any other statute, the sale or conveyance of the real property described in subsection (a) shall not require approval of the state finance council.

(e) When the sale is made, the proceeds thereof shall be deposited in the state treasury in accordance with the provisions of K.S.A. 2016 Supp. 75-6609(f), and amendments thereto.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(h) On the effective date of this act, the provisions of section 104(d) of chapter 12 of the 2016 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 41. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this act or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Sedgwick county, Kansas, subject to the provisions of this section:

Lot 5, except the North 2 feet, all of Lot 7, and the North 4 feet of Lot 9, Palisade Avenue, Fair Grounds addition to the City of Wichita, Sedgwick County, Kansas; commonly known as 2105 Palisade, Wichita, Kansas.

(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(c) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-6609(c), and amendments thereto, or any other statute, the sale or conveyance of the real property described in subsection (a) shall not require approval of the state finance council.

(d) When the sale is made, the proceeds thereof shall be deposited in the state

treasury in accordance with the provisions of K.S.A. 2016 Supp. 75-6609(f), and amendments thereto.

(e) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(f) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 42. On the effective date of this act, the provisions of section 50 of chapter 111 of the 2016 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.;

On page 21, in line 5, by striking "to be"; by striking all in line 6; in line 7, by striking all before "and";

On page 28, in line 37, by striking "June 1" and inserting "or before June 27";

On page 29, in line 11, by striking "June 30, 2018,"; in line 13, by striking "1/7" and inserting "1/6"; in line 27, after the fourth comma by inserting "and"; also in line 27, by striking "and June 30, 2025,"; in line 28, by striking "1/7" and inserting "1/6";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the fifth comma by inserting "and"; also in line 3, by striking "and June 30, 2025,";

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

CAROLYN MCGINN

RICK BILLINGER

LAURA KELLY

Conferees on part of Senate

TROY WAYMASTER

ERIN DAVIS

KATHY WOLFE MOORE

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **S Sub Sub HB 2052**.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Fitzgerald, LaTurner, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 198** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 198," as follows:

"Substitute for SENATE BILL No. 198

By Committee on Assessment and Taxation

"AN ACT concerning the department of revenue; relating to persons with access to federal tax information, fingerprinting; driver's license examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015 and repealing the existing section.";

And the substitute bill be passed.

Also, **SB 211** be amended on page 1, in line 7, by striking "year" and inserting "years"; also in line 7, by striking "and all tax years thereafter" and inserting "through 2019"; in line 12, after the period by inserting "The amount of such credit awarded for each taxpayer shall not exceed \$500,000 per qualified vendor per tax year."; by striking all in lines 13 through 21;

On page 2, in line 4, by striking all after "section"; by striking all in lines 5 through 15; in line 16, by striking "methodology" and inserting:

":

(1) "Certified business" means any business certified by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least 10% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts; and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under 29 U.S.C. § 214(c);

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which administers the rehabilitation services program as having a physical or mental impairment that constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (d)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

(iii) is an individual with a disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families; and

(3) "qualified vendor" means an entity that:

(A) Is a "qualified vendor" pursuant to K.S.A. 75-3317, and amendments thereto, or is a "certified business" that is also a nonprofit organization pursuant to K.S.A. 75-

3740, and amendments thereto;

(B) pays minimum wage or above to all their employees in a manner that meets the definition of "competitive employment" pursuant to K.S.A. 44-1136, and amendments thereto;

(C) meets the definition of employing all of their workers in an "integrated setting" pursuant to K.S.A. 44-1136, and amendments thereto; and

(D) offers a qualified company-sponsored insurance plan under the affordable care act or pays the required subsidy to the internal revenue service for employees who purchase insurance through the open market, if a company-sponsored plan is not offered. If any such company is not covered under the affordable care act, and does not offer a company-sponsored insurance plan, such company must offer assistance to the employee to cover at least 75% of their health insurance costs through a health savings account or other legal and appropriate methodology";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, April 7, 2017.

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 7, 2017, 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 Olson were excused.
Invocation by Reverend Cecil T. Washington:

Lord, as we enter this State House...this Capitol Building that rivals the U.S. Capitol, we see massive stones helping to form a firm, reliable foundation. And Lord, in looking at the history of this building, we find that it's so firm and strong that it withstood the Dust Bowl, and EF5 tornado with gusts of wind up to 200 miles an hour. It withstood the Legislative War of 1893, an actual battle in the House of Representatives, that involved a sledgehammer and the Kansas National Guard. Yet, with some loving care, it still stands; strong and firm.

Lord, when we think about that, let it remind us of Your words in Isaiah 28:16. You are Sovereignly and firmly establishing Your Kingdom with a strong foundation and we want to be included. You then paralleled the firmness and patience of what You desire to build in us, with the firmness of faith and trust, we're to build in You. You said, "Faith that is firm is also patient."

So, Lord, increase our faith and our patience. Remind us that what you intend to build in us and in this house will take time.

Give us a firm faith and determination to withstand the storms and winds of opposition; that Your purposes and the good of Your people will prevail.

Lastly, Lord, give wisdom, guidance and protection to the President and leaders of this great nation; that decisions will be under girded by You.

In Jesus' Name, I pray, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2230.**

Ways and Means: **SB 247; HB 2180, HB 2279.**

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub Sub HB 2052.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 46** 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 9 through 32;

On page 2, by striking all in lines 1 through 25;

On page 8, in line 14, by striking "82a-701,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "82a-701,";

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

KYLE HOFFMAN

KENT THOMPSON

SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN

BUD ESTES

MARCI FRANCISCO

Conferees on part of Senate

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 46**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Masterson, Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2096** 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 31, by inserting:

"New Sec. 2. The portion of United States highway 75 from the northern border of Woodson county, then south on United States highway 75 to the northern city limits of the city of Yates Center is hereby designated as the Eldon K Miller memorial highway. Upon compliance with K.S.A. 2016 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the Eldon K Miller memorial highway.

Sec. 3. K.S.A. 2016 Supp. 68-1051 is hereby amended to read as follows: 68-1051.

The portion of United States highway 75 where it enters the state on the Kansas-Nebraska border on the north then south to the junction with K-9, then south from the junction of K-9 with K-62 to the junction of K-62 with K-16 then east to the junction with United States highway 75 then south on United States highway 75 to the southern city limits of Holton, then from the junction of United States highway 75 and N.W. 46th street in Shawnee county then south on United States highway 75 to the southern boundary of Osage county, then from the northern ~~boundary of Woodson county~~ city limits of the city of Yates Center south on United States highway 75 to the northern interchange with United States highway 400, then south from the southern interchange with United States highway 400 to the Kansas-Oklahoma border, is hereby designated the purple heart/combat wounded veterans highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the purple heart/combat wounded veterans highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.";

Also on page 1, in line 32, after "Supp." by inserting "68-1051 and"; also in line 32, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "regulating traffic" and inserting "concerning roads and highways"; in line 2, after the semicolon by inserting "designating a portion of United States highway 75 as the Eldon K Miller memorial highway;"; also in line 2, after "Supp." by inserting "68-1051 and"; in line 3, by striking "section" and inserting "sections";

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

MIKE PETERSEN

JOHN DOLL

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

SHANNON FRANCIS

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2096**.

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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Masterson, Olson.

The Conference Committee Report was adopted.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Lynn moved the Senate concur in House amendments to **H Sub SB 13**.

H Sub SB 13, AN ACT relating to the sale and consumption of alcoholic beverages;

amending K.S.A. 41-2706 and 41-2726 and K.S.A. 2016 Supp. 41-102, 41-307, 41-308, 41-2701, 41-2702, 41-2704, 41-2708 and 41-2722 and repealing the existing sections; also repealing K.S.A. 41-103.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Berger, Bollier, Denning, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Wagle, Wilborn.

Nays: Alley, Baumgardner, Billinger, Bowers, Doll, Francisco, Hensley, Holland, Pyle, Taylor, Tyson.

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I am voting yes on **H Sub SB 13** today because small businesses in my District have asked me too. These small businesses provide the livelihood to over 150 individuals or families who live in my district. Many of those owners were part of the discussion and deliberation process for **H Sub SB 13** and reluctantly become proponents of compromise. The 3 big box grocery stores and convenience stores in my district have told me they would simply add some shelf space for product and not hire additional staff if major changes were made to our liquor laws. While access to liquor and wine in these kind of stores would be convenient, it would have meant fewer jobs and businesses for District 25. I'm glad these small businesses were part of the process on this bill because this Senate body was not. With no hearing in our Chamber and only finding out about the compromise in the last couple days, I would have liked more time to hear from constituents. I hope the 10 year compromise referenced by lobbyists and in this chamber will be honored. I for one, will remember it clearly.—LYNN ROGERS

Senator Faust-Goudeau request the record to show she concurs with the "Explanation of Vote" offered by Senator Rogers on **H Sub SB 13**.

Senator Wilborn moved the Senate concur in House amendments to **SB 50**.

SB 50, AN ACT concerning attorneys; relating to the Kansas consumer protection act; unauthorized practice of law; membership of the advisory committee on uniform state laws and the joint committee on special claims against the state; amending K.S.A. 46-407a and K.S.A. 2016 Supp. 46-912 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

Senator LaTurner moved the Senate concur in House amendments to **H Sub SB 70**.

H Sub SB 70, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; amending K.S.A. 40-4801 and K.S.A. 2016 Supp. 40-4802, 44-1601, 44-1602, 44-1603, 44-1604, 44-1607, 44-1610, 44-1613 and 44-1614 and

repealing the existing sections; also repealing K.S.A. 2016 Supp. 44-1615.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 1; Absent or Not Voting 2.

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

Nays: Billinger, Doll.

Present and Passing: Pilcher-Cook.

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

Senator Wilborn moved the Senate concur in House amendments to **SB 124**.

SB 124, AN ACT concerning the care of children; relating to the Kansas family law code; child custody, residency and parenting time; evidence of domestic abuse; relating to the revised Kansas code for the care of children; rules of evidence; admissibility of certain test results; amending K.S.A. 2016 Supp. 23-3201, 23-3203 and 38-2249 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SENATE CONCURRENT RESOLUTION No. 1608—

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2017 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 April 7, 2017, and shall reconvene on May 1, 2017, pursuant to adjournment of the daily session convened on April 7, 2017; 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 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 1608** was adopted by voice vote.

REPORT ON ENROLLED BILLS

Sub Sub SB 95, SB 184 reported correctly enrolled, properly signed and presented to the Governor on April 7, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of March 27 through 30 and April 3 through April 7, 2017:

Senator Billinger: congratulating Larry O'Connor on being named the Sports in Kansas 1A-DII Coach of the Year, congratulating Wallace County High School on winning the Boys Basketball Class 1A-DII State Championship, congratulating Connor Andrew Teget on achieving the rank of Eagle Scout, congratulating Golden Plains High School on receiving the 2017 Sportsmanship Award;

Senator Bowers: congratulating Phillipsburg Fire Department on being named Fire Department of the Year, congratulating Concordia Tractor on its 50th Anniversary, commending Dana Grammon on her commitment to customer service at American Family Insurance, commending Belleville Healthcare Center on its four star rating from the Centers for Medicare and Medicaid Services, congratulating Hanover High School on winning the the Basketball Class 1A Division 1 State Championship;

Senator Faust-Goudeau: remembering and honoring the life Linwood Sexton;

Senator Hardy: congratulating Sacred Heart High School on winning the Boys Basketball Class 2A State Championship;

Senator Hawk: congratulating Manhattan High School on winning the Girls Basketball Class 6A State Championship, congratulating Manhattan High School on winning the Wrestling 6A State Championship;

Senator Olson: congratulating WaterOne on its 60th Anniversary;

Senator Schmidt: commending Jamie Kidd on her outstanding service to Shawnee County and the State of Kansas, congratulating Richard Ross on receiving the Washburn University Alumni Association Distinguished Service Award; and

Senator Schmidt and Senator Kelly: commending Phyllis Hoyt on her dedicated service to teaching and the Topeka community.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, May 1, 2017.

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 1, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

President Wagle introduced Pastor Joshua Buford, Major, Kansas National Guard, to deliver the invocation:

Lord, we, as a nation, are in great need of Your wisdom, for we face challenges that humanity has struggled with throughout time, and we face challenges that are unique to our time and place in history. Therefore, we want to ask You to bless our governmental leaders, and specifically this morning we want to ask that You will bless President Trump, Governor Brownback, and our State House of Representatives and Senators. Please give us Your wisdom so that we will know the best courses of action to take, and how to best respond to the challenges we face as a nation and state. Lastly, we ask that You will empower us to be a blessing to others: May we love one another, May we help those who are truly in need, May we defend the helpless, And may we strengthen those who are weak. May we be a people of courage and conviction, A people that seek You first, A people who honor You with our actions. It is in Your Name that I pray, Amen

The Pledge of Allegiance was led by President Wagle.

OATH OF OFFICE

President Wagle requested Senator Denning escort Senator Richard Hilderbrand and his wife to the front of the Senate. The President introduced the Honorable Lawton Nuss, Chief Justice, Supreme Court of Kansas, who administered the Oath of Office.

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

I 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 of the 13th District. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 1st day of May, 2017.

LAWTON NUSS
Chief Justice
Kansas Supreme Court

The roll was called with 39 senators present.
 Senator Suellentrop was excused.

MESSAGES FROM THE GOVERNOR

SB 55; Sub SB 74, Sub SB 85 approved on April 7, 2017.
Sub Sub SB 95; SB 174, SB 184 approved on April 12, 2017.
H Sub SB 13; SB 20, SB 46, SB 50, SB 65 approved on April 18, 2017.
H Sub SB 51; SB 124, SB 202 approved on April 21, 2017.
H Sub SB 70 approved on April 24, 2017.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 120**, as amended by **House Substitute for SB 120**.
 Announcing passage of **SB 202, SB 205**, as amended.
 The House adopts the Conference Committee report on **SB 89; H Sub SB 101**.
 Announcing adoption of **SCR 1608**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1740—

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: That members of the 2017 regular session of the legislature shall occupy the same seats assigned pursuant to 2017 Senate Resolution No. 1702 with the following exception: Senator Hilderbrand, seat No. 27.

On emergency motion of Senator Denning **SR 1740** was adopted by voice vote.

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 120; SB 205**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **H Sub SB 120** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurred in the House amendments to **SB 205** and requested a conference committee be appointed.

The President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

CHANGE OF CONFERENCE

President Wagle announced the appointment of Senator Tyson to replace Senator Longbine, Senator Kerschen to replace Senator Billinger and Senator Holland to replace Senator Rogers as members of the Conference Committee on **HB 2067**.

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.

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senator Tyson to replace Senator Baumgardner, Senator Kerschen to replace Senator Doll and Senator Holland to replace Senator Hensley as members of the Conference Committee on **HB 2212**.

REPORT ON ENROLLED BILLS

H Sub SB 13; SB 20, SB 46, SB 50; H Sub SB 51; SB 65; H Sub SB 70; SB 124, SB 202 reported correctly enrolled, properly signed and presented to the Governor on April 14, 2017.

SCR 1608 reported correctly enrolled, properly signed and presented to the Secretary of State on April 14, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 2, 2017.

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 2, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced Reverend Scott Schaefer, Senior Pastor of Cornerstone Bible Fellowship in Winfield, Kansas, to deliver the invocation:

Dear Heavenly Father, we thank You for Your patience with us, as we have disobeyed and strayed from Your eternal, Holy Word. We confess to You our need of Your grace to forgive us, and Your Holy Spirit to guide us. Cause us to fear Your name and respect Your Word, knowing we will be held accountable before You as the final judge. Lord, may these men and women, whom You have called to be servant leaders in our blessed State of Kansas, depend on the wise counsel of Your Holy Word and the direction of Your Holy Spirit. That our state may please and honor You, where we may live peaceful and quiet lives in all godliness and holiness with religious liberty. Give them wisdom from above for the appropriate allocation of Your people's tax dollars. Protect them from the influences of the evil one. Deliver them from human opinion that goes against the wisdom of Your Holy Word. Give them boldness and courage to do the right thing in following Your Word, even when a majority wants them to do the wrong thing that would go against Your Word. Enable them to carry out their duties and responsibilities with humility and love for You and for each other. So bless the leaders here in this chamber with good health and insight, that they may submit themselves to You and be led aright to follow Your ways for the blessing of the people of Kansas. All of this we pray in the strong name of Your Son, our Savior, the King of kings and Lord of lords, Jesus Christ. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1741—

A RESOLUTION congratulating and commending the
Louisburg High School marching band for receiving an invitation
to perform in the Rose Parade in Pasadena, California.

WHEREAS, The Louisburg High School marching band received an invitation to perform in the Rose Parade in Pasadena, California, on January 1, 2018, becoming the

first Kansas high school band to be selected in 20 years; and

WHEREAS, The marching band will be composed of 195 students, which includes nearly 50 students from the 8th grade band; and

WHEREAS, Louisburg High School has an enrollment of 500 students and is in a community of over 4,000 people. The marching band will be performing in front of a crowd of 1 million people along the parade route and over 15 million people watching from home; and

WHEREAS, The marching band has competed in three festivals this school year: The Baker University Music Festival, where they earned a division rating of 1; the Kansas State University Central States Music Festival, where they earned a division rating of 1; and the State Music Festival, where they earned a division rating of 1 for the seventh consecutive year; and

WHEREAS, The marching band has been led by John Cisetti for the last 38 years; and

WHEREAS, The marching band is honored to not only represent Louisburg High School, but also the entire state of Kansas, and they hope to show the rest of the United States a sample of the very best that Kansas has to offer: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Louisburg High School marching band for receiving an invitation to perform in the Rose Parade in Pasadena, California, and we wish them all the best as they prepare for this incredible experience; and

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

On emergency motion of Senator Baumgardner **SR 1741** was adopted by voice vote.

Guests introduced were John Cisetti, Brian Biermann, Julie Walker, Hanna Becker and Chloe Philgreen.

Senators honored the guests with a standing ovation.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 101; SB 201; HB 2085, HB 2098, HB 2153, HB 2353.**

FINAL ACTION ON CONSENT CALENDAR

SB 201; HB 2098, HB 2353 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 201, AN ACT concerning the Kansas consumer protection act; relating to the definition of protected consumer; amending K.S.A. 2016 Supp. 50-676 and repealing the existing section.

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

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

Absent or Not Voting: Fitzgerald.

The bill passed.

HB 2098, AN ACT concerning wildlife, parks and tourism; relating to the mined land wildlife area.

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

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

Absent or Not Voting: Fitzgerald.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote AYE on **HB 2098**. This bill would name the bison herd at the Mined Land Wildlife Area in Crawford County the "Bob Grant Bison Herd." I believe this is a fitting tribute to a public servant who was dedicated to improving the economic development of Southeast Kansas. I had the privilege of serving with Bob in the Kansas House where he ably served the people of Southeast Kansas for many years. **HB 2098** is a well-deserved special recognition for a special Kansan.—ANTHONY HENSLEY

Senators Haley, Hawk, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2098**.

HB 2353, AN ACT concerning state contracts and purchases; relating to purchases of products and services from not-for-profit entities; employment of persons with disabilities; qualified vendors; amending K.S.A. 2016 Supp. 75-3317 and repealing the existing section.

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

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

Absent or Not Voting: Fitzgerald.

The bill passed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 101** 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 7, in line 32, by striking all after "nurse"; in line 33, by striking all before the period and inserting ", after consultation with law enforcement, reasonably believes that the child will be harmed if such notice is given";

On page 8, following line 15, by inserting:

"Sec. 13. K.S.A. 65-6009 is hereby amended to read as follows: 65-6009. (a) At the time of an appearance before a magistrate under K.S.A. 22-2901, and amendments thereto, the magistrate shall inform any person arrested and charged with a crime in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved of the availability of infectious disease tests and shall cause the alleged victim of such a crime, if any, to be notified that infectious disease tests and counseling are available. If the victim of the crime or the county or district attorney requests the court to order infectious disease tests of the alleged offender or if the person arrested and charged with a crime stated to the law enforcement officer making such arrest that the person arrested and charged with the crime has an infectious disease or is infected with an infectious disease, or used words of like effect, the court shall order the arrested person to submit to infectious disease tests. Testing for infectious disease shall occur not later than 48 hours after the alleged offender appears before a magistrate under K.S.A. 22-2901, and amendments thereto. The results of any test obtained under this section shall be inadmissible in any criminal or civil proceeding. The court shall also order the arrested person to submit to follow-up tests for infectious diseases as may be medically appropriate.

(b) Upon conviction of a person for any crime which the court determines from the facts of the case involved or was likely to have involved the transmission of body fluids from one person to another, the court: (1) May order the convicted person to submit to infectious disease tests; or (2) shall order the convicted person to submit to infectious disease tests if the victim of the crime or the parent or legal guardian of the victim, if the victim is a minor, requests the court to issue such order. If infectious disease tests are ordered under this subsection, the victim of the crime, if any, who is not a minor, shall designate a health care provider or counselor to receive such information on behalf of the victim. If the victim is a minor, the parent or legal guardian of the victim shall designate the health care provider or counselor to receive such information.

(c) The results of any infectious disease test ordered under subsection (a) shall be disclosed to the law enforcement officer making such arrest, the person arrested, the victim, the parent or legal guardian of the victim and such other persons as the court determines have a legitimate need to know the test result in order to provide for their protection. The results of any infectious disease test ordered under subsection (b) shall be disclosed to the court which ordered the test, the convicted person and to the person designated under subsection (b) by the victim or victims of the crime or by the parent or legal guardian of a victim if the victim is a minor. If an infectious disease test ordered under this section results in a positive reaction, the results shall be reported to the

secretary of health and environment and to the secretary of corrections.

(d) As used in this section, infectious disease includes HIV and hepatitis B.

(e) The costs of any counseling and testing provided under this section shall be paid from amounts appropriated to the department of health and environment for that purpose. The court shall order the adjudicated person to pay restitution to the department of health and environment for the costs of any counseling provided under this section and the costs of any test ordered or otherwise performed under this section.";

On page 10, in line 23, by striking the first "and" and inserting a comma; also in line 23, after "60-31a09" by inserting "and 65-6009";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "infectious disease testing;"; in line 5, by striking "and" and inserting a comma; in line 6, after "31a09" by inserting "and 65-6009";

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

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **H Sub SB 101**.

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

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

Absent or Not Voting: Fitzgerald.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2085** 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 34;

By striking all on pages 2 through 13;

On page 14 by striking all in line 1; following line 1 by inserting:

"Section 1. K.S.A. 2016 Supp. 8-1015 is hereby amended to read as follows: 8-1015. (a) (1) Except as provided in subsection (a)(2), whenever a person's driving

privileges have been suspended for one year as provided in K.S.A. 8-1014(a), and amendments thereto, after 90 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.

(2) Whenever a person's driving privileges have been suspended for one year as provided in K.S.A. 8-1014(a)(1), and amendments thereto, after 90 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only: Under the circumstances provided by K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for the purpose of getting to and from the ignition interlock provider for maintenance and downloading of data from the device.

(3) Except as provided in subsection (a)(4), whenever a person's driving privileges have been suspended for one year as provided in K.S.A. 8-1014(b), and amendments thereto, after 45 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.

(4) Whenever a person's driving privileges have been suspended for one year as provided in K.S.A. 8-1014(b)(2)(A), and amendments thereto, after 45 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only: Under the circumstances provided by K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for the purpose of getting to and from the ignition interlock provider for maintenance and downloading of data from the device.

(5) The division shall assess an application fee of \$100 for a person to apply to modify the suspension to restricted ignition interlock status.

(6) The division shall approve the request for such restricted license unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court. If the request is approved, upon receipt of proof of the installation of such device, the division shall issue a copy of the order imposing such restrictions on the person's driving privileges and such order shall be carried by the person at any time the person is operating a motor vehicle on the highways of this state. Except as provided in K.S.A. 8-1017, and amendments thereto, if such person is convicted of a violation of the restrictions, such person's driving privileges shall be suspended for an additional year, in addition to any term of suspension or restriction as provided in K.S.A. 8-1014(a) or (b), and amendments thereto.

(b) (1) Except as provided in subsection (b)(2), when a person has completed the suspension pursuant to K.S.A. 8-1014(b)(1)(A), and amendments thereto, the division shall restrict the person's driving privileges for 180 days to driving only a motor vehicle

equipped with an ignition interlock device.

(2) When a person has completed the suspension pursuant to K.S.A. 8-1014(b)(1) (A), and amendments thereto, the division shall restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device if the records maintained by the division indicate that such person has previously: (A) Been convicted of a violation of K.S.A. 8-1599, and amendments thereto; (B) been convicted of a violation of K.S.A. 41-727, and amendments thereto; (C) been convicted of any violations listed in K.S.A. 8-285(a), and amendments thereto; (D) been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period; or (E) had such person's driving privileges revoked, suspended, canceled or withdrawn.

(c) Except as provided in subsection (b), when a person has completed the suspension pursuant to K.S.A. 8-1014(a) or (b), and amendments thereto, the division shall restrict the person's driving privileges pursuant to K.S.A. 8-1014(a) or (b), and amendments thereto, to driving only a motor vehicle equipped with an ignition interlock device. Upon restricting a person's driving privileges pursuant to this subsection, the division shall issue a copy of the order imposing the restrictions which is required to be carried by the person at any time the person is operating a motor vehicle on the highways of this state.

(d) Whenever an ignition interlock device is required by law, such ignition interlock device shall be approved by the division and maintained at the person's expense. Proof of the installation of such ignition interlock device, for the entire period required by the applicable law, shall be provided to the division before the person's driving privileges are fully reinstated. Every person who has an ignition interlock device installed as required by law shall be required to complete the ignition interlock device program pursuant to rules and regulations adopted by the secretary of revenue and proof of completion shall be provided to the division by the approved service provider before the person's driving privileges are fully reinstated.

(e) Except as provided further, any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may operate an employer's vehicle without an ignition interlock device installed during normal business activities, provided that the person does not partly or entirely own or control the employer's vehicle or business. The provisions of this subsection shall not apply to any person whose driving privileges have been restricted for the remainder of the one-year suspension period as provided in subsection (a)(1) or (a)(3).

(f) Upon expiration of the period of time for which restrictions are imposed pursuant to this section, the licensee may apply to the division for the return of any license previously surrendered by the licensee. If the license has expired, the person may apply to the division for a new license, which shall be issued by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless the person's driving privileges have been suspended or revoked prior to expiration.

(g) Any person who has had the person's driving privileges suspended, restricted or revoked pursuant to K.S.A. 8-1014(a), (b) or (c), prior to the amendments by section 16 of chapter 172 of the 2012 Session Laws of Kansas and section 14 of chapter 105 of the 2011 Session Laws of Kansas, may apply to the division to have the suspension, restriction or revocation penalties modified in conformity with the provisions of K.S.A.

8-1014(a), (b) or (c), and amendments thereto. The division shall assess an application fee of \$100 for a person to apply to modify the suspension, restriction or revocation penalties previously issued. The division shall modify the suspension, restriction or revocation penalties, unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.

(h) The division shall remit all application fees collected pursuant to subsections (a) and (g) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the division of vehicles operating fund until an aggregate amount of \$100,000 is credited to the division of vehicles operating fund each fiscal year. On and after an aggregate amount of \$100,000 is credited to such fund each fiscal year, the entire amount of such remittance shall be credited to the community corrections supervision fund created by K.S.A. 2016 Supp. 75-52,113, and amendments thereto. The application fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such application. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

Sec. 2. K.S.A. 2016 Supp. 12-4516 is hereby amended to read as follows: 12-4516.

(a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of a violation of any ordinance that is prohibited by either K.S.A. 2016 Supp. 12-16,134(a) or (b), and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.

(c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2016 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint

against any person; or the abuse or threatened abuse of the legal process.

(d) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2016 Supp. 21-5406, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;

(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(e) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a first violation of a city ordinance which would also constitute a first violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of a city ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto.

(3) The provisions of this subsection shall apply to all violations committed on or after July 1, 2006.

(f) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and
 (F) identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2016 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or

renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;~~or~~

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2016 Supp. 75-7c01 et seq., and amendments thereto;or

(L) for applications received on and after July 1, 2016, to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(j) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is

accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act:

(A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and

(B) their officers, directors, employees, owners, agents and contractors;

(11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications:

(A) To be an employee of the state gaming agency; or

(B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to;

(A) Carry a concealed weapon pursuant to the personal and family protection act;
or

(B) act as a bail enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6,141, and amendments thereto;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 3. K.S.A. 2016 Supp. 21-6614 is hereby amended to read as follows: 21-6614.

(a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2016 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A,

B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2016 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto.

(3) Except as provided further, the provisions of this subsection shall apply to all violations committed on or after July 1, 2006. The provisions of subsection (d)(2) shall not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2016 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2016 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2016 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2016 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2016 Supp. 21-5604, and amendments thereto;

(8) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2016 Supp. 21-5601, and amendments thereto;

(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2016 Supp. 21-5602, and amendments thereto;

(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2016 Supp. 21-5401, and amendments thereto;

(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;

(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments thereto;

(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;

(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2016 Supp. 21-5405, and amendments thereto;

(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2016 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2016 Supp. 21-5505, and amendments thereto;

(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;
 (E) date of the defendant's arrest, conviction or diversion; and
 (F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, 2015, through June 30, 2017, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2016 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;~~or~~

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2016 Supp. 75-7c01 et seq., and amendments thereto;or

(L) for applications received on and after July 1, 2016, to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement,

the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in K.S.A. 2016 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to:

(A) Carry a concealed weapon pursuant to the personal and family protection act;
or

(B) act as a bail enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6.141, and amendments thereto; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(m) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 4. K.S.A. 2016 Supp. 8-1015, 12-4516, 12-4516e, 21-6614, 21-6614g and 21-6614h are hereby repealed.";

Also on page 14, 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, by striking all after "concerning"; by striking all in lines 2 through 4; in line 5 by striking all before the period and inserting "driving; relating to driving under the influence and other driving offenses; authorized restrictions of driving privileges, ignition interlock device; expungement of convictions and diversions; amending K.S.A. 2016 Supp. 8-1015, 12-4516 and 21-6614 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 12-4516e, 21-6614g and 21-

6614h".

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

RUSS JENNINGS

JOHN WHITMER

DENNIS HIGHBERGER

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2085**.

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

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

Absent or Not Voting: Fitzgerald.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2153** 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 32;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 28; following line 28, by inserting:

"New Section 1. Sections 1 through 9, and amendments thereto, apply to all public benefit corporations, as defined in section 2, and amendments thereto. If a corporation elects to become a public benefit corporation under sections 1 through 9, and amendments thereto, in the manner prescribed in sections 1 through 9, and amendments thereto, it shall be subject in all respects to the provisions of the Kansas general corporation code, except to the extent sections 1 through 9, and amendments thereto, impose additional or different requirements, in which case such requirements shall apply.

New Sec. 2. (a) A "public benefit corporation" is a for-profit corporation organized under and subject to the requirements of the Kansas general corporation code that is intended to produce a public benefit or public benefits and to operate in a responsible and sustainable manner. To that end, a public benefit corporation shall be managed in a manner that balances the stockholders' pecuniary interests, the best interests of those materially affected by the corporation's conduct and the public benefit or public benefits identified in its articles of incorporation. In the articles of incorporation, a public benefit

corporation shall:

(1) Identify within its statement of business or purpose pursuant to K.S.A. 17-6002(a)(3), and amendments thereto, one or more specific public benefits to be promoted by the corporation; and

(2) state within its heading the name of the corporation and that it is a public benefit corporation pursuant to K.S.A. 2016 Supp. 17-7919(b), 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 stockholders in their capacities as stockholders, 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 incorporation contemplated by this section.

(c) If the name of a public benefit corporation does not contain language stated in K.S.A. 2016 Supp. 17-7919(b)(1) through (4), and amendments thereto, the corporation shall, prior to issuing unissued shares of stock or disposing of treasury shares, provide notice to any person to whom such stock is issued or who acquires such treasury shares that it is a public benefit corporation; but such notice need not be provided if the issuance or disposal 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 or disposal, the corporation has a class of securities that is registered under the securities exchange act of 1934, 15 U.S.C. § 78a et seq.

New Sec. 3. (a) Notwithstanding any other provisions of the Kansas general corporation code, a corporation that is not a public benefit corporation, may not, without the approval of $\frac{2}{3}$ of the outstanding stock of the corporation entitled to vote thereon:

(1) Amend its articles of incorporation to include a provision authorized by section 2(a)(1), and amendments thereto; or

(2) merge or consolidate with or into another entity if, as a result of such merger or consolidation, the shares in such corporation would become, or be converted into or exchanged for the right to receive, shares or other equity interests in a domestic or foreign public benefit corporation or similar entity.

The restrictions of this section shall not apply prior to the time that the corporation has received payment for any of its capital stock.

(b) Except as provided in subsection (e), any stockholder of a corporation that is not a public benefit corporation shall be entitled to an appraisal by the district court of the fair value of the stockholder's shares of stock if such stockholder:

(1) Holds shares of stock of such corporation immediately prior to the effective time of:

(A) An amendment to the corporation's articles of incorporation to include a provision authorized by section 2(a)(1), and amendments thereto; or

(B) a merger or consolidation that would result in the conversion of the corporation's stock into or exchange of the corporation's stock for the right to receive shares or other equity interests in a domestic or foreign public benefit corporation or similar entity; and

(2) has neither voted in favor of such amendment or such merger or consolidation nor consented thereto in writing pursuant to K.S.A. 17-6518, and amendments thereto.

(c) Notwithstanding any other provisions of the Kansas general corporation code, a corporation that is a public benefit corporation may not, without the approval of $\frac{2}{3}$ of the outstanding stock of the corporation entitled to vote thereon:

(1) Amend its articles of incorporation to delete or amend a provision authorized by section 2(a)(1) or 6(f), and amendments thereto; or

(2) merge or consolidate with or into another entity if, as a result of such merger or consolidation, the shares in such corporation would become, or be converted into or exchanged for the right to receive, shares or other equity interests in a domestic or foreign corporation that is not a public benefit corporation or similar entity and the articles of incorporation, or similar governing instrument, of which does not contain the identical provisions identifying the public benefit or public benefits pursuant to section 2(a)(1), and amendments thereto, or imposing requirements pursuant to section 6(f), and amendments thereto.

(d) Except as provided in subsection (e), any stockholder of a corporation that is a public benefit corporation shall be entitled to an appraisal by the district court of the fair value of the stockholder's shares of stock if such stockholder:

(1) Holds shares of stock of such corporation immediately prior to the effective time of:

(A) An amendment to the corporation's articles of incorporation to remove a provision authorized by section 2(a)(1), and amendments thereto; or

(B) a merger or consolidation that would result in the conversion of the corporation's stock into or exchange of the corporation's stock for the right to receive shares or other equity interests in a domestic or foreign entity other than a public benefit corporation or similar entity; and

(2) has neither voted in favor of such amendment or such merger or consolidation nor consented thereto in writing pursuant to K.S.A. 17-6518, and amendments thereto.

(e) No appraisal rights under this section shall be available for the shares of any class or series of stock, which stock, or depository receipts in respect thereof, at the record date fixed to determine the stockholders entitled to receive notice of the meeting of stockholders to act upon the agreement of merger or consolidation or amendment, were either: (1) Listed on a national securities exchange; or (2) held of record by more than 2,000 holders, unless, in the case of a merger or consolidation, the holders thereof are required by the terms of an agreement of merger or consolidation to accept for such stock anything except: (A) Shares of stock of any other corporation, or depository receipts in respect thereof, which shares of stock, or depository receipts in respect thereof, or depository receipts at the effective date of the merger or consolidation will be either listed on a national securities exchange or held of record by more than 2,000 holders; (B) cash in lieu of fractional shares or fractional depository receipts described in subparagraph (A); or (C) any combination of the shares of stock, depository receipts and cash in lieu of fractional shares or fractional depository receipts described in subparagraphs (A) and (B).

New Sec. 4. Any stock certificate issued by a public benefit corporation shall note conspicuously that the corporation is a public benefit corporation formed pursuant to sections 1 through 9, and amendments thereto. Any notice sent by a public benefit corporation pursuant to K.S.A. 17-6401(f), and amendments thereto, shall state conspicuously that the corporation is a public benefit corporation formed pursuant to sections 1 through 9, and amendments thereto.

New Sec. 5. (a) The board of directors shall manage or direct the business and affairs of the public benefit corporation in a manner that balances the pecuniary interests of the stockholders, the best interests of those materially affected by the corporation's conduct and the specific public benefit or public benefits identified in its articles of incorporation.

(b) A director of a public benefit corporation shall not, by virtue of the public benefit provisions or section 2(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 identified in the articles of incorporation or on account of any interest materially affected by the corporation's conduct and, with respect to a decision implicating the balance requirement in subsection (a), will be deemed to satisfy such director's fiduciary duties to stockholders and the corporation if such director's decision is both informed and disinterested and not such that no person of ordinary, sound judgment would approve.

(c) The articles of incorporation of a public benefit corporation may include a provision that any disinterested failure to satisfy this section shall not, for the purposes of K.S.A. 17-6002(b)(8) or 17-6305, and amendments thereto, constitute an act or omission not in good faith, or a breach of the duty of loyalty.

New Sec. 6. (a) A public benefit corporation shall include in every notice of a meeting of stockholders a statement to the effect that it is a public benefit corporation formed pursuant to sections 1 through 9, and amendments thereto.

(b) A public benefit corporation shall no less than annually provide its stockholders with a statement as to the corporation's promotion of the public benefit or public benefits identified in the articles of incorporation and of the best interests of those materially affected by the corporation's conduct. The statement shall include:

(1) The objectives the board of directors has established to promote such public benefit or public benefits and interests;

(2) the standards the board of directors has adopted to measure the corporation's progress in promoting such public benefit or public benefits and interests;

(3) objective factual information based on those standards regarding the corporation's success in meeting the objectives for promoting such public benefit or public benefits and interests; and

(4) an assessment of the corporation's success in meeting the objectives and promoting such public benefit or public benefits and interests.

(c) A public benefit corporation shall provide the statement described in subsection (b) to its stockholders at the time prescribed by K.S.A. 17-7503, and amendments thereto, for the filing of the public benefit corporation's annual report.

(d) The statement described in subsection (b) 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 and interests identified in the public benefit corporation's articles of incorporation that: (1) Is developed by a person or entity that is independent of the public benefit corporation; 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 public benefit corporation or any of its directors, officers, or affiliates, as determined by the board of the public benefit corporation or a committee thereof.

(e) A public benefit corporation shall post its most recent statement described in subsection (b) on the public portion of its website, if any, concurrently with the delivery of such statement to its stockholders under subsection (c). If a public benefit corporation does not have a website, it shall provide a copy of such statement, without charge, to any person that requests a copy. The compensation paid to directors and any other financial or proprietary information contained in the statement described in subsection (b) 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 stockholder, director or officer.

(f) The articles of incorporation or bylaws of a public benefit corporation may require that the corporation obtain a periodic third-party certification addressing the corporation's promotion of the public benefit or public benefits identified in the articles of incorporation or the best interests of those materially affected by the corporation's conduct, or both.

New Sec. 7. Stockholders of a public benefit corporation owning individually or collectively, as of the date of instituting such derivative suit, at least 2% of the corporation's outstanding shares or, in the case of a corporation with shares listed on a national securities exchange, the lesser of such percentage or shares of at least \$2,000,000 in market value, may maintain a derivative lawsuit to enforce the requirements set forth in section 5(a), and amendments thereto.

New Sec. 8. Sections 1 through 9, and amendments thereto, shall not affect a statute or rule of law that is or would be applicable to any corporation that is organized under the Kansas general corporation code but is not a public benefit corporation, except as provided in section 3, and amendments thereto.

New Sec. 9. Sections 1 through 9, and amendments thereto, shall be part of and supplemental to the Kansas general corporation code, articles 60 through 74 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 10. K.S.A. 2016 Supp. 17-6014 is hereby amended to read as follows: 17-6014. (a) Except as otherwise provided in subsections (b) and (c), the provisions of the Kansas general corporation code shall apply to nonstock corporations in the manner specified in this subsection:

(1) All references to stockholders of the corporation shall be deemed to refer to members of the corporation;

(2) all references to the board of directors of the corporation shall be deemed to refer to the governing body of the corporation;

(3) all references to directors or to members of the board of directors of the corporation shall be deemed to refer to members of the governing body of the corporation; and

(4) all references to stock, capital stock, or shares thereof of a corporation authorized to issue capital stock shall be deemed to refer to memberships of a nonprofit nonstock corporation and to membership interests of any other nonstock corporation.

(b) Subsection (a) shall not apply to:

(1) K.S.A. 17-6002(a)(4), (b)(1) and (b)(2), 17-6009(a), 17-6301, 17-6404, 17-6505, 17-6518, 17-6520(b), 17-6601, 17-6602, 17-6703, 17-6705, 17-6706, 17-6707,

17-6708, 17-6801, 17-6805, 17-6805a, 17-7001, 17-7002, 17-7503(a)(4) and (b)(4), 17-7504, 17-7505(a)(4) and (b)(4) and 17-7514(c) and K.S.A. 2016 Supp. 17-6014, and amendments thereto, which apply to nonstock corporations by their terms;

(2) K.S.A. 17-6002(e), the last sentence of 17-6009(b), 17-6401, 17-6402, 17-6403, 17-6405, 17-6406, 17-6407(d), 17-6408, 17-6411, 17-6412, 17-6413, 17-6414, 17-6415, 17-6416, 17-6417, 17-6418, 17-6501, 17-6502, 17-6503, 17-6504, 17-6506, 17-6509, 17-6512, 17-6521, 17-6603, 17-6604, 17-6701, 17-6702, 17-6803 and 17-6804 and K.S.A. 2016 Supp. 17-6427, 17-6428 ~~and~~ 17-6429 and section 4, and amendments thereto; and

(3) article 72 and article 73 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

(c) In the case of a nonprofit nonstock corporation, subsection (a) shall not apply to:

(1) The sections and articles listed in subsection (b);

(2) K.S.A. 17-6002(b)(3), 17-6304(a)(2), 17-6507, 17-6508, 17-6712, 17-7503, 17-7505, 17-7509, 17-7511 and 17-7514 and K.S.A. 2016 Supp. 17-6011(a)(2) and (a)(3), and amendments thereto; and

(3) article 64 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, and sections 1 through 9, and amendments thereto.

(d) For purposes of the Kansas general corporation code:

(1) A "charitable nonstock corporation" is any nonprofit nonstock corporation that is exempt from taxation under § 501(c)(3) of the federal internal revenue code of 1986, 26 U.S.C. § 501(c)(3);

(2) a "membership interest" is, unless otherwise provided in a nonstock corporation's articles of incorporation, a member's share of the profits and losses of a nonstock corporation, or a member's right to receive distributions of the nonstock corporation's assets, or both;

(3) a "nonprofit nonstock corporation" is a nonstock corporation that does not have membership interests; and

(4) a "nonstock corporation" is any corporation organized under the Kansas general corporation code that is not authorized to issue capital stock.

~~(e) This section shall be part of and supplemental to article 60 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.~~

Sec. 11. K.S.A. 2016 Supp. 17-6712 is hereby amended to read as follows: 17-6712. (a) Any stockholder of a corporation of this state who holds shares of stock on the date of the making of a demand pursuant to subsection (d) with respect to such shares, who continuously holds such shares through the effective date of the merger or consolidation, who has otherwise complied with subsection (d) and who has neither voted in favor of the merger or consolidation nor consented thereto in writing pursuant to K.S.A. 17-6518, and amendments thereto, shall be entitled to an appraisal by the district court of the fair value of the stockholder's shares of stock under the circumstances described in subsections (b) and (c). As used in this section, the word "stockholder" means a holder of record of stock in a corporation; the words "stock" and "share" mean and include what is ordinarily meant by those words; and the words "depository receipt" mean a receipt or other instrument issued by a depository representing an interest in one or more shares, or fractions thereof, solely of stock of a corporation, which stock is deposited with the depository.

(b) Appraisal rights shall be available for the shares of any class or series of stock of a constituent corporation in a merger or consolidation to be effected pursuant to K.S.A. 17-6701, and amendments thereto, other than a merger effected pursuant to K.S.A. 17-6701(g), and amendments thereto, and, subject to subsection (b)(3), K.S.A. 17-6701(h), 17-6702, 17-6705, 17-6706, 17-6707 and 17-6708, and amendments thereto:

(1) Except as expressly provided in section 3, and amendments thereto, no appraisal rights under this section shall be available for the shares of any class or series of stock, which stock, or depository receipts in respect thereof, at the record date fixed to determine the stockholders entitled to receive notice of the meeting of stockholders to act upon the agreement of merger or consolidation, were either: (A) Listed on a national securities exchange; or (B) held of record by more than 2,000 holders, except that no appraisal rights shall be available for any shares of stock of the constituent corporation surviving a merger if the merger did not require for its approval the vote of the stockholders of the surviving corporation as provided in K.S.A. 17-6701(f), and amendments thereto.

(2) Notwithstanding subsection (b)(1), appraisal rights under this section shall be available for the shares of any class or series of stock of a constituent corporation if the holders thereof are required by the terms of an agreement of merger or consolidation pursuant to K.S.A. 17-6701, 17-6702, 17-6705, 17-6706, 17-6707 and 17-6708, and amendments thereto, to accept for such stock anything except:

(A) Shares of stock of the corporation surviving or resulting from such merger or consolidation, or depository receipts in respect thereof;

(B) shares of stock of any other corporation, or depository receipts in respect thereof, which shares of stock, or depository receipts in respect thereof, or depository receipts at the effective date of the merger or consolidation will be either listed on a national securities exchange or held of record by more than 2,000 holders;

(C) cash in lieu of fractional shares or fractional depository receipts described in subparagraphs (A) and (B); or

(D) any combination of the shares of stock, depository receipts and cash in lieu of fractional shares or fractional depository receipts described in subparagraphs (A), (B) and (C).

(3) In the event all of the stock of a subsidiary Kansas corporation party to a merger effected under K.S.A. 17-6701(h) or 17-6703, and amendments thereto, is not owned by the parent immediately prior to the merger, appraisal rights shall be available for the shares of the subsidiary Kansas corporation.

(4) In the event of an amendment to a corporation's articles of incorporation contemplated by section 3, and amendments thereto, appraisal rights shall be available as contemplated by section 3, and amendments thereto, and the procedures of this section, including those set forth in subsections (d) and (e), shall apply as nearly as practicable, with the word "amendment" substituted for the words "merger or consolidation," and the word "corporation" substituted for the words "constituent corporation" or "surviving or resulting corporation."

(c) Any corporation may provide in its articles of incorporation that appraisal rights under this section shall be available for the shares of any class or series of its stock as a result of an amendment to its articles of incorporation, any merger or consolidation in which the corporation is a constituent corporation or the sale of all or substantially all of

the assets of the corporation. If the articles of incorporation contain such a provision, the procedures of this section, including those set forth in subsections (d) and (e), shall apply as nearly as is practicable.

(d) Appraisal rights shall be perfected as follows:

(1) If a proposed merger or consolidation for which appraisal rights are provided under this section is to be submitted for approval at a meeting of stockholders, the corporation, not less than 20 days prior to the meeting, shall notify each of its stockholders who was such on the record date for notice of such meeting, or such members who received notice in accordance with K.S.A. 17-6705, and amendments thereto, with respect to shares for which appraisal rights are available pursuant to subsection (b) or (c) that appraisal rights are available for any or all of the shares of the constituent corporations, and shall include in such notice a copy of this section and, if one of the constituent corporations is a nonstock corporation, a copy of K.S.A. 2016 Supp. 17-6014, and amendments thereto. Each stockholder electing to demand the appraisal of such stockholder's shares shall deliver to the corporation, before the taking of the vote on the merger or consolidation, a written demand for appraisal of such stockholder's shares. Such demand will be sufficient if it reasonably informs the corporation of the identity of the stockholder and that the stockholder intends thereby to demand the appraisal of such stockholder's shares. A proxy or vote against the merger or consolidation shall not constitute such a demand. A stockholder electing to take such action must do so by a separate written demand as herein provided. Within 10 days after the effective date of such merger or consolidation, the surviving or resulting corporation shall notify each stockholder of each constituent corporation who has complied with this subsection and has not voted in favor of or consented to the merger or consolidation of the date that the merger or consolidation has become effective; or

(2) If the merger or consolidation was approved pursuant to K.S.A. 17-6518, 17-6701(h) or 17-6703, and amendments thereto, then, either a constituent corporation before the effective date of the merger or consolidation or the surviving or resulting corporation within 10 days thereafter shall notify each of the holders of any class or series of stock of such constituent corporation who are entitled to appraisal rights of the approval of the merger or consolidation and that appraisal rights are available for any or all shares of such class or series of stock of such constituent corporation, and shall include in such notice a copy of this section and, if one of the constituent corporations is a nonstock corporation, a copy of K.S.A. 2016 Supp. 17-6014, and amendments thereto. Such notice may, and, if given on or after the effective date of the merger or consolidation, shall, also notify such stockholders of the effective date of the merger or consolidation. Any stockholder entitled to appraisal rights may, within 20 days after the date of mailing of such notice or, in the case of a merger approved pursuant to K.S.A. 17-6701(h), and amendments thereto, within the later of the consummation of the tender or exchange offer contemplated by K.S.A. 17-6701(h), and amendments thereto, and 20 days after the date of mailing of such notice, demand in writing from the surviving or resulting corporation the appraisal of such holder's shares. Such demand will be sufficient if it reasonably informs the corporation of the identity of the stockholder and that the stockholder intends thereby to demand the appraisal of such holder's shares. If such notice did not notify stockholders of the effective date of the merger or consolidation, either: (A) Each such constituent corporation shall send a second notice before the effective date of the merger or consolidation notifying each of the holders of

any class or series of stock of such constituent corporation that are entitled to appraisal rights of the effective date of the merger or consolidation; or (B) the surviving or resulting corporation shall send such a second notice to all such holders on or within 10 days after such effective date; provided, however, that if such second notice is sent more than 20 days following the sending of the first notice or, in the case of a merger approved pursuant to K.S.A. 17-6701(h), and amendments thereto, later than the later of the consummation of the tender or exchange offer contemplated by K.S.A. 17-6701(h), and amendments thereto, and 20 days following the sending of the first notice, such second notice need only be sent to each stockholder who is entitled to appraisal rights and who has demanded appraisal of such holder's shares in accordance with this subsection. An affidavit of the secretary or assistant secretary or of the transfer agent of the corporation that is required to give either notice that such notice has been given shall, in the absence of fraud, be prima facie evidence of the facts stated therein. For purposes of determining the stockholders entitled to receive either notice, each constituent corporation may fix, in advance, a record date that shall be not more than 10 days prior to the date the notice is given, provided, that if the notice is given on or after the effective date of the merger or consolidation, the record date shall be such effective date. If no record date is fixed and the notice is given prior to the effective date, the record date shall be the close of business on the day next preceding the day on which the notice is given.

(e) Within 120 days after the effective date of the merger or consolidation, the surviving or resulting corporation or any stockholder who has complied with subsections (a) and (d) and who is otherwise entitled to appraisal rights, may commence an appraisal proceeding by filing a petition in the district court demanding a determination of the value of the stock of all such stockholders. Notwithstanding the foregoing, at any time within 60 days after the effective date of the merger or consolidation, any stockholder who has not commenced an appraisal proceeding or joined that proceeding as a named party shall have the right to withdraw such stockholder's demand for appraisal and to accept the terms offered upon the merger or consolidation. Within 120 days after the effective date of the merger or consolidation, any stockholder who has complied with the requirements of subsections (a) and (d), upon written request, shall be entitled to receive from the corporation surviving the merger or resulting from the consolidation a statement setting forth the aggregate number of shares not voted in favor of the merger or consolidation and with respect to which demands for appraisal have been received and the aggregate number of holders of such shares. Such written statement shall be mailed to the stockholder within 10 days after such stockholder's written request for such a statement is received by the surviving or resulting corporation or within 10 days after expiration of the period for delivery of demands for appraisal under subsection (d), whichever is later. Notwithstanding subsection (a), a person who is the beneficial owner of shares of such stock held either in a voting trust or by a nominee on behalf of such person may, in such person's own name, file a petition or request from the corporation the statement described in this subsection.

(f) Upon the filing of any such petition by a stockholder, service of a copy thereof shall be made upon the surviving or resulting corporation, which shall within 20 days after such service file in the office of the clerk of the court in which the petition was filed a duly verified list containing the names and addresses of all stockholders who

have demanded payment for their shares and with whom agreements as to the value of their shares have not been reached by the surviving or resulting corporation. If the petition shall be filed by the surviving or resulting corporation, the petition shall be accompanied by such a duly verified list. The clerk of the court, if so ordered by the court, shall give notice of the time and place fixed for the hearing of such petition by registered or certified mail to the surviving or resulting corporation and to the stockholders shown on the list at the addresses therein stated. Such notice shall also be given by one or more publications at least one week before the day of the hearing, in a newspaper of general circulation published in the county in which the court is located or such publication as the court deems advisable. The forms of the notices by mail and by publication shall be approved by the court, and the costs thereof shall be borne by the surviving or resulting corporation.

(g) At the hearing on such petition, the court shall determine the stockholders who have complied with this section and who have become entitled to appraisal rights. The court may require the stockholders who have demanded an appraisal for their shares and who hold stock represented by certificates to submit their certificates of stock to the clerk of the court for notation thereon of the pendency of the appraisal proceedings; and if any stockholder fails to comply with such direction, the court may dismiss the proceedings as to such stockholder.

(h) After the court determines the stockholders entitled to an appraisal, the appraisal proceeding shall be conducted in accordance with the rules of the district court, including any rules specifically governing appraisal proceedings. Through such proceeding the court shall determine the fair value of the shares exclusive of any element of value arising from the accomplishment or expectation of the merger or consolidation, together with interest, if any, to be paid upon the amount determined to be the fair value. In determining such fair value, the court shall take into account all relevant factors. Unless the court in its discretion determines otherwise for good cause shown, interest from the effective date of the merger through the date of payment of the judgment shall be compounded quarterly and shall accrue at 5% over the federal reserve discount rate, including any surcharge, as established from time to time during the period between the effective date of the merger and the date of payment of the judgment. Upon application by the surviving or resulting corporation or by any stockholder entitled to participate in the appraisal proceeding, the court may, in its discretion, proceed to trial upon the appraisal prior to the final determination of the stockholders entitled to an appraisal. Any stockholder whose name appears on the list filed by the surviving or resulting corporation pursuant to subsection (f) and who has submitted such stockholder's certificates of stock to the clerk of the court, if such is required, may participate fully in all proceedings until it is finally determined that such stockholder is not entitled to appraisal rights under this section.

(i) The court shall direct the payment of the fair value of the shares, together with interest, if any, by the surviving or resulting corporation to the stockholders entitled thereto. Payment shall be so made to each such stockholder, in the case of holders of uncertificated stock forthwith, and the case of holders of shares represented by certificates upon the surrender to the corporation of the certificates representing such stock. The court's decree may be enforced as other decrees in the district court may be enforced, whether such surviving or resulting corporation be a corporation of this state or of any state.

(j) The costs of the proceeding may be determined by the court and taxed upon the parties as the court deems equitable in the circumstances. Upon application of a stockholder, the court may order all or a portion of the expenses incurred by any stockholder in connection with the appraisal proceeding, including, without limitation, reasonable attorney fees and the fees and expenses of experts, to be charged pro rata against the value of all the shares entitled to an appraisal.

(k) From and after the effective date of the merger or consolidation, no stockholder who has demanded appraisal rights as provided in subsection (d) shall be entitled to vote such stock for any purpose or to receive payment of dividends or other distributions on the stock, except dividends or other distributions payable to stockholders of record at a date which is prior to the effective date of the merger or consolidation; provided, however, that if no petition for an appraisal shall be filed within the time provided in subsection (e), or if such stockholder shall deliver to the surviving or resulting corporation a written withdrawal of such stockholder's demand for an appraisal and an acceptance of the merger or consolidation, either within 60 days after the effective date of the merger or consolidation as provided in subsection (e) or thereafter with the written approval of the corporation, then the right of such stockholder to an appraisal shall cease. Notwithstanding the foregoing, no appraisal proceeding in the district court shall be dismissed as to any stockholder without the approval of the court, and such approval may be conditioned upon such terms as the court deems just, except that this provision shall not affect the right of any stockholder who has not commenced an appraisal proceeding or joined that proceeding as a named party to withdraw such stockholder's demand for appraisal and to accept the terms offered upon the merger or consolidation within 60 days after the effective date of the merger or consolidation, as set forth in subsection (e).

(l) The shares of the surviving or resulting corporation to which the shares of such objecting stockholders would have been converted had they assented to the merger or consolidation shall have the status of authorized and unissued shares of the surviving or resulting corporation.

Sec. 12. K.S.A. 2016 Supp. 17-7903 is hereby amended to read as follows: 17-7903. The following documents related to corporations shall be filed with the secretary of state:

(a) For-profit filings:

(1) For-profit articles of incorporation as set forth in K.S.A. 17-6002, and amendments thereto;

(2) professional association articles of incorporation as set forth in K.S.A. 17-2709, 17-2711 and 17-6002, and amendments thereto;

(3) close corporation articles of incorporation as set forth in K.S.A. 17-6426, 17-7201, 17-7202 and 17-7203, and amendments thereto;

(4) public benefit corporation articles of incorporation as set forth in section 2, and amendments thereto;

(5) certificate of validation as set forth in K.S.A. 2016 Supp. 17-6428, and amendments thereto;

~~(5)~~(6) foreign for-profit application for authority as set forth in K.S.A. 2016 Supp. 17-7931 and K.S.A. 17-7307 through 17-7510, and amendments thereto;

~~(6)~~(7) for-profit annual report as set forth in K.S.A. 17-7503 and 17-7505, and amendments thereto;

~~(7)~~(8) professional association annual report as set forth in K.S.A. 17-2718, and amendments thereto;

~~(8)~~(9) for-profit certificate of amendment as set forth in K.S.A. 17-6003, 17-6401, 17-6601, 17-6602 and 17-6603, and amendments thereto;

~~(9)~~(10) amendment to professional associations as set forth in K.S.A. 17-2709, and amendments thereto;

~~(10)~~(11) foreign for-profit corporation certificate of amendment as set forth in K.S.A. 17-7302, and amendments thereto;

~~(11)~~(12) restated articles of incorporation as set forth in K.S.A. 17-6605, and amendments thereto;

~~(12)~~(13) change of registered office or resident agent as set forth in sections K.S.A. 2016 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

~~(13)~~(14) for-profit certificate of correction as set forth in K.S.A. 2016 Supp. 17-7912, and amendments thereto;

~~(14)~~(15) mergers as set forth in K.S.A. 17-6701 through 17-6708, and amendments thereto;

~~(15)~~(16) foreign mergers as set forth in K.S.A. 17-7302, and amendments thereto;

~~(16)~~(17) certificate of amendment or termination of merger as set forth in K.S.A. 17-6701, and amendments thereto;

~~(17)~~(18) foreign corporation merger as set forth in K.S.A. 17-7302, and amendments thereto;

~~(18)~~(19) certificate of reinstatement as set forth in K.S.A. 17-7002, and amendments thereto;

~~(19)~~(20) certificate of dissolution prior to commencing business as set forth in K.S.A. 17-6803, and amendments thereto;

~~(20)~~(21) certificate of dissolution by stockholder's meeting as set forth in K.S.A. 17-6804, and amendments thereto;

~~(21)~~(22) certificate of dissolution by written consent as set forth in K.S.A. 17-6804, and amendments thereto;

~~(22)~~(23) foreign certificate of cancellation as set forth in K.S.A. 2016 Supp. 17-7936, and amendments thereto; and

~~(23)~~(24) certificate of revocation of dissolution as set forth in K.S.A. 17-7001, and amendments thereto.

(b) Not-for-profit filings:

(1) Not-for-profit articles of incorporation as set forth in K.S.A. 17-6002, and amendments thereto;

(2) foreign not-for-profit application for authority as set forth in K.S.A. 2016 Supp. 17-7931, and amendments thereto;

(3) not-for-profit annual report as set forth in K.S.A. 17-7504, and amendments thereto;

(4) not-for-profit certificate of amendment as set forth in K.S.A. 17-6602, and amendments thereto;

(5) not-for-profit certificate of correction as set forth in K.S.A. 2016 Supp. 17-7912, and amendments thereto;

(6) not-for-profit change of registered office or resident agent as set forth in K.S.A. 2016 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

(7) not-for-profit certificate of reinstatement as set forth in K.S.A. 17-7002, and

amendments thereto; and

(8) certificate of dissolution as set forth in K.S.A. 17-6803, 17-6804 and 17-6805, and amendments thereto.

Sec. 13. K.S.A. 2016 Supp. 17-7919 is hereby amended to read as follows: 17-7919. (a) The name of a corporation, except for banks, savings and loan associations and savings banks and public benefit corporations, shall contain:

~~(a)~~(1) One of the following words: "Association"; "church"; "college"; "company"; "corporation"; "club"; "foundation"; "fund"; "incorporated"; "institute"; "society"; "union"; "university"; "syndicate" or "limited";

~~(b)~~(2) one of the following abbreviations: "Co."; "corp."; "inc." or "Ltd."; or

~~(c)~~(3) words or abbreviations of like import in other languages if they are written in Roman characters or letters.

(b) The name of a public benefit corporation shall contain either or both of one of the words, abbreviations or designations in subsection (a) or:

(1) The words "public benefit corporation";

(2) the abbreviation "P.B.C.";

(3) the designation "PBC"; or

(4) words or abbreviations of like import in other languages if they are written in Roman characters or letters.

Sec. 14. K.S.A. 2016 Supp. 17-6014, 17-6712, 17-7903 and 17-7919 are hereby repealed.";

Also on page 11, in line 30, before the period 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 4; in line 5, by striking "6,112b" and inserting "public benefit corporations; relating to the Kansas general corporation code; business entity standard treatment act; amending K.S.A. 2016 Supp. 17-6014, 17-6712, 17-7903 and 17-7919";

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2153**.

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

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

Nays: McGinn, V. Schmidt.
Absent or Not Voting: Fitzgerald.
The Conference Committee Report was adopted.

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.

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 2041**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2041** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 6, in line 5, after "(c)" by inserting "(1) Prior to July 1, 2018,"; following line 23, by inserting:

"(2) On and after July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments thereto.";

Also on page 6, in line 31, by striking all after the period; by striking all in lines 32 through 41;

On page 38, following line 38, by inserting:

"Sec. 24. K.S.A. 2016 Supp. 20-1a15 is hereby amended to read as follows: 20-1a15. (a) There is hereby established in the state treasury the judicial branch nonjudicial salary adjustment fund.

(b) All moneys credited to the judicial branch nonjudicial salary adjustment fund shall be used for compensation of nonjudicial officers and employees of the district courts, court of appeals and the supreme court and shall not be expended for compensation of judges or justices of the judicial branch. ~~Moneys in the fund shall be used only to pay for that portion of the cost of salaries and wages of nonjudicial personnel of the judicial branch, including associated employer contributions, which shall not exceed the difference between the amount of expenditures that would be required under the judicial branch pay plan for nonjudicial personnel in effect prior to the effective date of this act and the amount of expenditures required under the judicial branch pay plan for nonjudicial personnel after the cost of living adjustments and the adjustments for upgrades in pay rates for nonjudicial personnel approved by the chief justice of the Kansas supreme court for fiscal year 2015. For fiscal years commencing on and after June 30, 2016, moneys in such fund shall be used only for the amount attributable to maintenance of the judicial branch pay plan for nonjudicial personnel for such adjustments and upgrades approved by the chief justice of the supreme court for fiscal year 2015.~~

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the judicial branch nonjudicial salary adjustment fund interest earnings based on:

(1) The average daily balance of moneys in the judicial branch nonjudicial salary adjustment fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the judicial branch nonjudicial salary adjustment fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.";

Also on page 38, in line 39, after the third comma by inserting "20-1a15,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "disposition of failure to comply with a traffic citation reinstatement fees;" in line 3, after the third comma by inserting "20-1a15,";

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn rose to discuss adoption of the Conference Committee Report on **HB 2041**.

Senator Schmidt moved the Senate not adopt the Conference Committee Report on **HB 2041** and appoint a new conference.

The motion of Senator Schmidt to not adopt the Conference Committee Report on **HB 2041** and appoint new conferees prevailed.

The Vice President appointed Senators Wilborn, Lynn and Haley as second conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2280** be amended on page 1, following line 6, by inserting:

"New Section 1. (a) Prior to July 1, 2018, each state agency that has adopted rules and regulations shall review such rules and regulations and determine the impact that such rules and regulations have on business and economic development within the state of Kansas, including, but not limited to, identifying rules and regulations that negatively impact or create any barrier to success for business and economic development within the state of Kansas. When evaluating such rules and regulations, each state agency shall consider factors including, but not limited to:

- (1) Whether the rules and regulations restrict business activities;
- (2) whether substantial time, money or other resources are required in order to comply with the rules and regulations; and
- (3) the public purpose served by the rules and regulations, including, but not limited to, whether the rules and regulations further a public purpose, whether the public purpose is as important as when the rules and regulations were adopted and whether the public purpose outweighs any negative impact on business or economic development within the state of Kansas.

(b) Prior to October 1, 2018, each state agency shall prepare and submit a report to the joint committee on administrative rules and regulations identifying the rules and regulations the state agency has identified as having a negative impact on business and economic development within the state of Kansas, whether the public purpose served by the rules and regulations outweighs any negative impact on business or economic development and alternatives to the identified rules and regulations.

(c) Prior to January 14, 2019, the joint committee on administrative rules and regulations shall submit a report to the speaker of the house of representatives and the president of the senate summarizing the committee's findings regarding information submitted under subsection (b).

Sec. 2. K.S.A. 2016 Supp. 77-416 is hereby amended to read as follows: 77-416. (a) Every state agency shall file with the secretary of state every rule and regulation adopted by it and every amendment and revocation thereof in the manner prescribed by the secretary of state. Each rule and regulation shall include a citation to the statutory section or sections being implemented or interpreted and a citation of the authority pursuant to which it, or any part thereof, was adopted. Every rule and regulation filed in the office of the secretary of state shall be accompanied by a copy of the economic impact statement required by subsection (b) and a copy of the environmental benefit statement if required by subsection (d). A copy of any document adopted by reference in a rule and regulation shall be available from the state agency ~~which that~~ adopted the rule and regulation upon request by any person interested therein. The state agency, under the direction of the secretary of state, shall number each section with a distinguishing number and, in making a compilation of the rules and regulations, the sections shall be arranged in numerical order. A decimal system of numbering shall be

prohibited.

(b) (1) At the time of drafting a proposed rule and regulation or amendment to an existing rule and regulation, the state agency shall consider the economic impact of such proposed rule and regulation or amendment upon all governmental agencies or units and all persons ~~which~~ who will be subject thereto and upon the general public. Prior to giving notice of a hearing on a proposed rule and regulation, the state agency shall prepare an economic impact statement that shall include:

(A) A brief description of the proposed rules and regulations and what is intended to be accomplished by their adoption;

(B) whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law;

(C) a description of the cost, the persons who will bear the costs and those who will be affected by the proposed rules and regulations, including the agency proposing the rules and regulations, other governmental agencies or units, private citizens and consumers of the products or services ~~which~~ that are the subject of the rules and regulations or the enforcement thereof; ~~and~~

(D) a description of any less costly or less intrusive methods that were considered by the state agency for achieving the stated purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations. The state agency may consult with other state agencies when preparing the economic impact statement; and

(E) a description of businesses that would be directly affected by the proposed rules and regulations, the benefits of the proposed rules and regulations and measures taken to minimize the impact of the proposed rules and regulations on business and economic development within the state of Kansas.

(2) The state agency shall consult with the League of Kansas municipalities, Kansas association of counties and the Kansas association of school boards, as appropriate, when preparing the economic impact statement of a proposed rule and regulation which increases or decreases revenues of cities, counties or school districts or imposes functions or responsibilities on cities, counties or school districts ~~which~~ that will increase their expenditures or fiscal liability.

(3) The state agency shall reevaluate and, when necessary, update the statement at the time of filing a rule and regulation with the secretary of state. If a public hearing was held prior to the adoption of the rule and regulation, a state agency at the time of filing a rule and regulation with the secretary of state shall include as a part of the economic impact statement a statement specifying the time and place at which the hearing was held and the attendance at the hearing. A copy of the current economic impact statement shall be available from the state agency upon request by any party interested therein.

(c) Upon request of the state rules and regulations board, the joint committee on administrative rules and regulations or the chairperson of either committee or board, the director of the budget shall review the economic impact statement prepared by any state agency and shall prepare a supplemental or revised statement. If possible, the supplemental or revised statement shall include a reliable estimate in dollars of the anticipated change in revenues and expenditures of the state. It also shall include a

statement, if determinable or reasonably foreseeable, of the immediate and long-range economic impact of the rule and regulation upon persons subject thereto, small employers and the general public. If, after careful investigation, it is determined that no dollar estimate is possible, the statement shall set forth the reasons why no dollar estimate can be given. Every state agency is directed to cooperate with the division of the budget in the preparation of any statement pursuant to this subsection when, and to the extent, requested by the director of the budget.

(d) At the time of drafting a proposed environmental rule and regulation or amendment to an existing environmental rule and regulation, the state agency shall consider the environmental benefit of such proposed rule and regulation or amendment. Prior to giving notice of a hearing on a proposed rule and regulation, the state agency shall prepare an environmental benefit statement that shall include a description of the need for and the environmental benefits ~~which that~~ will likely accrue as the result of the proposed rule and regulation or amendment. The description shall summarize, when applicable, research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rule and regulation or amendment. When specific contaminants are to be controlled by the proposed rule and regulation or amendment, the description shall indicate the level at which the contaminants are considered harmful according to currently available research. The state agency may consult with other state agencies when preparing the environmental benefit statement. The state agency shall reevaluate and, when necessary, update the statement at the time of filing a rule and regulation with the secretary of state. A copy of the current environmental benefit statement shall be available from the state agency upon request by any party interested therein.

(e) In addition to the requirements of subsection (b), the economic impact statement for all environmental rules and regulations shall include:

(1) A description of the capital and annual costs of compliance with the proposed rules and regulations, and the persons who will bear those costs;

(2) a description of the initial and annual costs of implementing and enforcing the proposed rules and regulations, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs;

(3) a description of the costs ~~which that~~ would likely accrue if the proposed rules and regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the rules and regulations; and

(4) a detailed statement of the data and methodology used in estimating the costs used in the statement.";

Also on page 1, in line 34, by striking "which shall consist" and inserting "consisting";

On page 2, in line 31, after the period by inserting "The committee may communicate to state agencies the committee's concerns, suggestions and comments regarding proposed rules and regulations, including the committee's concerns regarding the effect of proposed rules and regulations on business and economic development within the state of Kansas."; in line 40, by striking the first "and" and inserting a comma;

On page 3, in line 6, after "Supp." by inserting "77-416,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to review of rules and regulations by state agencies; reporting impact on business;"; in line 3, after "Supp." by inserting "77-416,"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 3, 2017.

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 3, 2017, 10:00 a.m.

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

Lord, we come today on the eve of the National Day of Prayer. But, I'm grateful that we don't have to wait for a national pronouncement. For, according to Psalm 39:5, tomorrow isn't promised to us and we need prayer today.

Due to the value of the work being done here, the enemy of righteous progress hinders, and even undermines, the progress that blesses Your people.

So, Lord, I pray that You'll meet the needs of the these servants today. And, I thank You for the gift of prayer.

Lord, I want to reiterate the words of the Apostle John, when he expressed confidence in the fact that You hear and that You respond to the prayers of those who trust in You. Under the leading of Your Spirit, he said in 1 John 5:14-15, "This is the confidence which we have before Him, that, if we ask anything according to His will, He hears us. And if we know that He hears us in whatever we ask, we know that we have the requests which we have asked from Him."

So, Lord, help us to be like John today. We want Your will to prevail. And even though we don't always know what that is, that's what we want.

So, help us lean with confident assurance, that Your Word never fails. Increase our faith, that we may see Your powerful Hand moving in our affairs.

And when our faith falters, let our prayer be like that of the man in Matthew 9:24, when he asked You to help his unbelief.

Thank You, Lord, for hearing this prayer. In the name of Jesus, Amen.

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, Brillian Lengeju, Princess of America Miss Kansas Teen 2017-2018. She was accompanied by her mother, Sein Langeju.

Senators honored Brillian with a standing ovation.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 14**.

The House adopts the Conference Committee report on **SB 112**.

The House accedes to the request of the Senate for a conference on **H Sub SB 120** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 205** and has appointed Representatives Kelly, R. Powell and Finney as conferees on the part of the House.

The House announces the appointment of Representative Trimmer to replace Representative Finney as a conferee on **SB 205**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2184 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1742—

A RESOLUTION congratulating and commending the Olathe Northwest High School Raven Dance Team for winning their eighth consecutive national title.

WHEREAS, On March 5, 2017, the Olathe Northwest High School Raven Dance Team won first place at the National Dance Alliance High School Nationals held in Orlando, Florida, for the eighth consecutive year. At the competition, the team competed against 138 of the most talented high school dance teams from around the country and the world; and

WHEREAS, The team earned first place distinction for their Large Varsity Jazz and International Pom routines, in which they competed against teams from Japan. In addition, they were named the 2017 Senior Grand Champions, the highest honor of the Alliance Nationals. This marks the first time the Raven Dance Team has won three first-place awards in the same competition; and

WHEREAS, The Raven Dance Team also received recognition for their sportsmanship, technical excellence, jazz-winning routine and innovative choreography; and

WHEREAS, The Raven Dance Team consists of 24 varsity members and 15 junior varsity members. These 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. The team dances are choreographed by head coach, Shannon Summers, and assistant coach, Alison Krumbiegel, with short routines being choreographed by the nine team leaders; 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 won awards for their auxiliary unit; 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 in the national competition held in March; and

WHEREAS, Members of the varsity team are: Brooke Allen, Amy Anderson, Skylar Batty, Chloe Bartels, Avery Boland, Mady Cole, Alexis Cross-Tunley, Andie Dain, Destane Doughty, Kennedi Dyro, Sarah Glass, Abby Good, Taylor Lang, Jade Osborn, Jiani Osborn, Alexandra Privat, Grace Rasmussen, Lily Riederer, Haley Scalabrin, Layne Steffen, Gabby Thomas, Carley Uhl, Olivia Whitenack and Molly Winegar; and

WHEREAS, The junior varsity team was established in 2010. Like the varsity team, they perform special guest routines at various school and community events and practice 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 time. The team members work hard each year to maintain their tradition of success: 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 parents, coaches, administration, faculty and entire student body for the team's eighth consecutive national title win, and we wish them continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1742** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

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 112; S Sub HB 2053; HB 2301, HB 2356.**

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2184.**

The House adopts the Conference Committee report on **H Sub SB 42.**

The House adopts the Conference Committee report on **HB 2096.**

The House accedes to the request of the Senate for a conference on **HB 2041** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

FINAL ACTION ON CONSENT CALENDAR

HB 2356 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

HB 2356, AN ACT concerning state contracts and purchases; relating to competitive bids; bid preferences to certified businesses; recertification; amending K.S.A. 2016 Supp. 75-3740 and repealing the existing section.

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

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

Present and Passing: Hilderbrand.

The bill passed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Longbine moved the Senate concur in House amendments to **SB 205**.

SB 205, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; participating service credit; providing certain death benefits to surviving spouses; exempting state board of regents retirement plan members from certain employment after retirement provisions; determining actuarial equivalent or actuarial computation interest factor; amending K.S.A. 74-4913, 74-4956 and 74-4959 and K.S.A. 2016 Supp. 74-4914 and 74-49,123 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-4914f.

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

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

Present and Passing: Hilderbrand.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 112** 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, before line 9, by inserting:

"WHEREAS, The provisions of K.S.A. 2016 Supp. 21-6804(y), as amended by this act, shall be known and may be cited as the law enforcement protection act.

Now, therefore:";

On page 4, in line 5, by striking "or department of corrections"; in line 18, by striking "or department of corrections"; in line 29, after "(d)" by inserting "In determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense under this section, a court shall consider information presented to the court relating to any current or prior protective order issued against such person.

(e) ";

Also on page 4, by striking all in line 36;

On page 5, in line 2, before the period, by inserting:

"; and

(3) "protective order" means:

(A) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 or 60-3107, and amendments thereto;

(B) a protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265;

(C) a restraining order issued pursuant to K.S.A. 23-2707, 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-1607, prior to its transfer;

(D) an order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case or upon appeal that orders the person to refrain from having any direct or indirect contact with a family or household member;

(E) an order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or

(F) a protection from stalking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 7, following line 25, by inserting:

"Sec. 5. On and after July 1, 2017, K.S.A. 2016 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 ~~which 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, ~~pound~~ 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 incorporated humane society, the operator of an animal shelter or pound,~~ a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such ~~society, shelter or pound;~~

(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 ~~which that~~ may be found outside of the owned or rented property of the owner or custodian of such animal and ~~which 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 ~~subsection (x) of~~ 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 ~~incorporated humane society,~~ animal shelter or other appropriate

facility may take into custody any animal, upon either private or public property, ~~which~~ 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 ~~a duly incorporated humane society~~ an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such ~~humane society~~ animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. ~~If the animal is placed in the care of an animal shelter, the animal shelter shall notify~~ 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 board of county commissioners in the county where the animal was taken into custody shall establish and approve procedures whereby the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court to be allowed in the county in which the animal was taken into custody to place the animal for adoption or euthanize~~ transfer ownership of the animal at any time after 21 days after the owner or custodian is notified or, 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. Upon receiving such petition, the court shall determine whether the animal may be ~~placed for adoption or euthanized~~. ~~The board of county commissioners in the county where the animal was taken into custody shall review the cost of care and treatment being charged by the animal shelter maintaining the animal transferred.~~

(f) The owner or custodian of an animal ~~placed for adoption or killed~~ transferred pursuant to subsection (e) shall not be entitled to recover damages for the ~~placement or killing~~ transfer of such animal unless the owner proves that such ~~placement or killing~~ 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.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, ~~and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime~~, such animal shall not be returned to or remain with such person. Such animal may be turned over to ~~a duly incorporated humane society~~ 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

~~(2)-(3)~~ (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.

Sec. 6. On and after July 1, 2017, K.S.A. 2016 Supp. 21-6414 is hereby amended to read as follows: 21-6414. (a) Unlawful conduct of dog fighting is:

(1) Causing, for amusement or gain, any dog to fight with or injure another dog,

with no requirement of culpable mental state;

(2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or

(3) training, owning, keeping, transporting or selling any dog with the intent of having it fight with or injure another dog.

(b) Unlawful possession of dog fighting paraphernalia is possession, with the intent to use in the unlawful conduct of dog fighting, any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia.

(c) Unlawful attendance of dog fighting is, entering or remaining on the premises where the unlawful conduct of dog fighting is occurring, whether the person knows or has reason to know that dog fighting is occurring on the premises.

(d) (1) Unlawful conduct of dog fighting is a severity level 10, nonperson felony.

(2) Unlawful possession of dog fighting paraphernalia is a class A nonperson misdemeanor.

(3) Unlawful attendance of dog fighting is a class B nonperson misdemeanor.

(e) When a person is arrested under this section, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested for unlawful conduct of dog fighting, unlawful attendance of dog fighting, or unlawful possession of dog fighting paraphernalia.

(f) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of ~~a duly incorporated humane society~~ an animal shelter or licensed veterinarian for boarding, treatment or other care. If it appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. The dog may be sedated, isolated or restrained if such officer, agent or veterinarian determines it to be in the best interest of the dog, other animals at the animal shelter or personnel of the animal shelter. ~~If the dog is placed in the care of an animal shelter, the board of county commissioners in the county where the animal was taken into custody shall establish and approve procedures whereby~~ 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 be allowed to place the dog for adoption or euthanize transfer ownership of the dog at any time after 21 days after the dog is taken into custody, unless the owner or custodian of the dog files a renewable cash or performance bond with the county clerk of the county where the dog is being held, in an amount equal to not less than the cost of care and treatment of the dog for 30 days. Upon receiving such petition, the court shall determine whether the dog may be ~~placed for adoption or euthanized~~. ~~The board of county commissioners in the county where the animal was taken into custody shall review the cost of care and treatment being charged by the animal shelter maintaining the animal transferred.~~ Except as provided in subsection (g), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under this section or K.S.A. 2016 Supp. 21-6412, and amendments thereto. The owner or keeper of a dog ~~placed for adoption or humanely killed~~ transferred under this subsection shall not be entitled to damages unless the owner or keeper proves that such

~~placement or killing transfer~~ was unwarranted.

(g) If a person is convicted of unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia, a dog taken into custody pursuant to subsection (e) shall not be returned to such person and the court shall order the owner or keeper to pay to the animal shelter or licensed veterinarian all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to conviction of the owner or keeper. Disposition of such dog shall be in accordance with K.S.A. 2016 Supp. 21-6412, and amendments thereto. If no such conviction results, the dog shall be returned to the owner or keeper and the court shall order the county where the dog was taken into custody to pay to the law enforcement agency, veterinarian or animal shelter all expenses incurred ~~by the shelter~~ for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to its return.

(h) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.

(i) As used in this section, "animal shelter" means the same as such term is defined in K.S.A. 47-1701, and amendments thereto.

Sec. 7. On and after July 1, 2017, K.S.A. 2016 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	633-620 492	618-586 561	285-272 298	267-253 240	236-224 221	226-214 203	203-195 184	180-176 166	165-155 147
II	493-467 442	460-438 416	216-203 194	184-180 181	184-174 165	108-160 152	154-146 138	138-131 122	123-117 109
III	347-233 221	228-216 206	107-102 96	100-94 89	92-88 82	83-79 74	77-72 68	71-66 61	61-59 55
IV	172-162 154	162-151 144	75-71 68	69-66 62	64-60 57	59-56 52	52-50 47	48-45 42	43-41 38
V	136-130 122	128-120 114	69-57 53	55-52 50	51-49 46	47-44 41	41-41 38	38-34 31	34-31 28
VI	46-43 40	41-39 37	38-36 34	36-34 32	32-30 29	29-27 25	25-23 21	21-20 19	19-18 17
VII	34-32 30	31-29 27	29-27 25	26-24 22	23-21 19	19-18 17	17-16 15	14-13 12	13-12 11
VIII	23-21 19	20-19 18	19-18 17	17-16 15	15-14 13	13-12 11	11-10 9	11-10 9	9-8 7
IX	17-16 15	15-14 11	13-12 11	12-11 11	11-10 9	10-9 8	9-8 7	8-7 6	7-6 5
X	13-12 11	12-11 10	11-10 9	10-9 8	9-8 7	8-7 6	7-6 5	7-6 5	7-6 5

LEGEND
Discretionary Discretion
2+ Person Felony
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

- (A) Prison sentence;
- (B) maximum potential reduction to such sentence as a result of good time; and
- (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

- (A) Prison sentence; and
- (B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 2016 Supp. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 2016 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, K.S.A. 2016 Supp. 21-5414(b)(3), K.S.A. 2016 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2016 Supp. 21-6412 and K.S.A. 2016 Supp. 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 2016 Supp. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 2016 Supp. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 2016 Supp. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 2016 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, K.S.A. 2016 Supp. 21-5414(b)(3), K.S.A. 2016 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2016 Supp. 21-6412 and K.S.A. 2016 Supp. 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary

of corrections, except that the term of imprisonment for felony violations of K.S.A. 2016 Supp. 8-1025 or K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 2016 Supp. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas

Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 2016 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2016 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2016 Supp. 21-5807(a)(1) or (a)(2), or K.S.A. 2016 Supp. 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 2016 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 2016 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2016 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2016 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2016 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2016 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 2016 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2016 Supp. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve

community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 2016 Supp. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2016 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 2016 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2016 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2016 Supp. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

- (1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- (2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or
- (3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison

sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 2016 Supp. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 2016 Supp. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding beyond a reasonable doubt that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 2016 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2016 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2016 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 2016 Supp. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 2016 Supp. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.

(y) (1) Except as provided in subsection (y)(3), if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A. 2016 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a nondrug felony offense, against a law enforcement officer, as defined in K.S.A. 2016 Supp. 21-5111(p)(1) and (3), and amendments thereto, while such officer was engaged in the performance of such officer's duty, or in

whole or in any part because of such officer's status as a law enforcement officer, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of subsection (y)(1)(B)(i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to subsection (y)(1) shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to an offense described in subsection (y)(1) if the factual aspect concerning a law enforcement officer is a statutory element of such offense.";

On page 11, following line 19, by inserting:

"Sec. 9. K.S.A. 22-3504 is hereby amended to read as follows: 22-3504. (1) The court may correct an illegal sentence at any time. 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) 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) "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.

Sec. 10. K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 Supp. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 Supp. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 2016 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. 2016 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 ~~convicted of~~ 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. 2016 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 (c)(1)(D), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 2016 Supp. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 2016 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. 2016 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto; or

(M) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016 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 would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses

resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances which would render payment unworkable;

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to 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 sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the

decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2016 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. 2016 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. 2016 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.";

Also on page 11, in line 20, before "K.S.A." by inserting "K.S.A. 22-3504 and"; also in line 20, by striking "is" and inserting "and 22-3717 are"; in line 23, after "5709" by inserting ", 21-6412, 21-6414, 21-6804";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the second semicolon by inserting "cruelty to animals; unlawful conduct of dog fighting; sentencing for crimes committed against a law enforcement officer;"; also in line 5, after the fourth semicolon by inserting "post-trial motions, correction of sentence; postrelease supervision; persons convicted of a sexually violent crime;"; in line 6, after "amending" by inserting "K.S.A. 22-3504 and"; also in line 6, by striking "and" and inserting ", 21-6412, 21-6414, 21-6804,"; in line 7, after "2410" by inserting "and 22-3717";

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

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 112**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

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

Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Haley, Hilderbrand.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I'm chagrined to vote "Pass" on the CCR on **SB 112**; which I reluctantly, and in smallest of lettering, did sign as Ranking Minority of Senate Judiciary. This "bill" bundles TEN distinct measures which we now, no matter how we feel about any individual one of these measures, can only vote FOR or AGAINST. We established rules to limit topics to FOUR in a single "bundled" bill. What a charade this has become. How very violating and disingenuous of our intended rules **SB 112** is. Beyond major procedural infractions, I oppose creating a virtual "hate crime" sentencing enhancement for crimes committed against law enforcement officers ("LEO's") due to their status, employed and optional no less, motivated by being a LEO's. Attacking a police officer solely for LEO dislike is reprehensible and heightened sentencing is appropriate. Yes, "blue lives matter." But Madame President, in our State, garnering international attention on tragic occasions recently, how can we implement a first mandatory sentence enhancement for hate crimes against LEO but ignore the same punishment for crimes motivated against other populations of Kansas? GLBT lives matter. Jewish, Muslim and Christian lives matter. And, besides the "sheddable" blue skins of LEO's, White and Black and Brown and Yellow and Red skinned lives matter, TOO. —DAVID HALEY

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2053** 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. 2053, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 19; following line 19, by inserting:

"New Section 1. The provisions of sections 1 through 14, and amendments thereto, shall be known and may be cited as the crisis intervention act.

New Sec. 2. When used in the crisis intervention act:

(a) "Behavioral health professional" includes a physician, physician assistant, psychologist, qualified mental health professional or licensed addiction counselor.

(b) "Head of a crisis intervention center" means the administrative director of a crisis intervention center or a behavioral health professional designated by such person.

(c) "Law enforcement officer" shall have the meaning ascribed to it in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" shall have the meaning ascribed to it in K.S.A. 59-29b46(d), (e) or (f), and amendments thereto.

(e) "Crisis intervention center" means any entity licensed by the Kansas department for aging and disability services that is open 24 hours a day, 365 days a year, equipped to serve voluntary and involuntary individuals in crisis due to mental illness, substance abuse or a co-occurring condition, and that uses certified peer specialists.

(f) "Crisis intervention center service area" means the counties to which the crisis intervention center has agreed to provide service.

(g) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within such hospital or agency.

(h) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(i) "Qualified mental health professional" shall have the meaning ascribed to it in K.S.A. 59-2946(j), and amendments thereto.

(j) "Treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner; and the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

(k) "Domestic partner" means a person with whom another person maintains a household and an intimate relationship, other than a person to whom such person is legally married.

(l) "Physician assistant" means a person licensed to practice medicine and surgery as a physician assistant by the state board of healing arts.

New Sec. 3. (a) The fact that a person has been detained for emergency observation and treatment under this act shall not be construed to mean that such person shall have lost any civil right such person would otherwise have as a resident or citizen, any property right or legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable policies which the head of a crisis intervention center may, for good cause shown, find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus. No judicial action taken as part of the procedure provided in section 8(c), and amendments thereto, shall constitute a finding by the court.

(b) There shall be no implication or presumption that a patient within the terms of this act is, for that reason alone, a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3097, and amendments thereto.

New Sec. 4. Nothing in this act shall be construed to prohibit a person with capacity to do so from making an application for admission as a voluntary patient to a crisis intervention center. Any person desiring to do so shall be afforded an opportunity to consult with such person's attorney prior to making any such application. If the head of the crisis intervention center accepts the application and admits the person as a voluntary patient, then the head of the crisis intervention center shall notify, in writing, the person's legal guardian, if known.

New Sec. 5. Any law enforcement officer who takes a person into custody pursuant to K.S.A. 59-2953 or 59-29b53, and amendments thereto, may transport such person to a crisis intervention center if the officer is in a crisis intervention center service area. The crisis intervention center shall not refuse to accept any person for evaluation if such person is brought to the crisis intervention center by a law enforcement officer and such officer's jurisdiction is in the crisis intervention center's service area. If a law enforcement officer is not in a crisis intervention center service area or chooses not to transport the person to a crisis intervention center, then the officer shall follow the procedures set forth in the care and treatment act for persons with an alcohol or substance abuse problem, K.S.A. 59-29b45 et seq., and amendments thereto.

New Sec. 6. (a) A crisis intervention center may admit and detain any person 18 years of age or older who is presented for emergency observation and treatment upon the written application of a law enforcement officer.

(b) An emergency observation and treatment application shall be made on a form set forth by the secretary for aging and disability services or a locally developed form approved by the secretary. The original application shall be kept in the regular course of business with the law enforcement agency, and a copy shall be provided to the crisis intervention center and to the patient. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse, domestic partner or nearest relative, if known;
- (3) the applicant's belief that the person may be a mentally ill person subject to involuntary commitment as defined in K.S.A. 59-2946, and amendments thereto, a person with an alcohol or substance abuse problem subject to involuntary commitment as defined in K.S.A. 59-29b46, and amendments thereto, or a person with co-occurring conditions, and because of such mental illness, alcohol or substance abuse problem or co-occurring conditions, is likely to cause harm to self or others if not immediately detained;
- (4) the factual circumstances in support of that belief and the factual circumstances under which the person was taken into custody, including any known pending criminal charges; and
- (5) whether the person has a wellness recovery action plan or psychiatric advance directive, if known.

New Sec. 7. (a) A crisis intervention center may evaluate, admit and detain any person 18 years of age or older who is presented for emergency observation and treatment upon the written application of any adult.

(b) An emergency observation and treatment application shall be made on a form set forth by the secretary for aging and disability services or a locally developed form approved by the secretary. The original application shall be kept by the applicant, and a copy shall be provided to the crisis intervention center and to the patient. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse, domestic partner or nearest relative, if known;
- (3) the applicant's belief that the person may be a mentally ill person subject to involuntary commitment as defined in K.S.A. 59-2956, and amendments thereto, a person with an alcohol or substance abuse problem subject to involuntary commitment

as defined in K.S.A. 59-29b46, and amendments thereto, or a person with co-occurring conditions, and because of such mental illness, alcohol or substance abuse problem or co-occurring conditions, is likely to cause harm to self or others if not immediately detained;

(4) the factual circumstances in support of that belief and the factual circumstances under which the person was presented to the crisis intervention center;

(5) any known pending criminal charges;

(6) any known prior psychiatric, medical or substance use history; and

(7) whether the person has a wellness recovery action plan or psychiatric advance directive, if known.

New Sec. 8. (a) The head of the crisis intervention center shall evaluate a person admitted pursuant to this act within four hours of admission to determine whether the person is likely to be a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, a person with an alcohol and substance abuse problem subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-29b46, and amendments thereto, or a person with co-occurring conditions, and because of such mental illness, alcohol or substance abuse problem or co-occurring conditions, is likely to cause harm to self or others if allowed to remain at liberty. The head of the crisis intervention center shall inquire whether the person has a wellness recovery action plan or psychiatric advance directive.

(b) A behavioral health professional shall evaluate a person admitted pursuant to this act not later than 23 hours after admission and again not later than 48 hours after admission to determine if the person continues to meet the criteria described in subsection (a). The 23-hour evaluation must be performed by a different behavioral health professional from the one who conducted the initial evaluation under subsection (a).

(c) Not later than 48 hours after admission, if the head of the crisis intervention center determines that the person continues to meet the criteria described in subsection (a), then the head of the crisis intervention center shall file an affidavit to that effect for review by the district court in the county where the crisis intervention center is located. The affidavit shall include or be accompanied by the written application for emergency observation and treatment, information about the person's original admission to the crisis intervention center, the care and treatment provided to the person, and the factual circumstances in support of the evaluating professional's opinion that the person meets the criteria described in subsection (a). After reviewing the affidavit and any accompanying documentation, the court shall order the release of the person or order that the person may continue to be detained and treated at the crisis intervention center, subject to subsections (d) and (e).

(d) The head of the crisis intervention center shall discharge a person admitted pursuant to this act at any time the person no longer meets the criteria described in subsection (a) and, except as provided in subsection (e), not later than 72 hours after admission. Upon discharge, the crisis intervention center shall make reasonable accommodations for the person's transportation.

(e) Not later than 72 hours after admission, if the head of the crisis intervention center determines that a person admitted pursuant to this act continues to meet the criteria described in subsection (a), then the head of the crisis intervention center shall immediately file the petition provided for in K.S.A. 59-2957, and amendments thereto,

or K.S.A. 59-29b57, and amendments thereto, and shall find appropriate placement for the individual, including, but not limited to, community hospitals equipped to take involuntary commitments or the designated state hospital. If the 72-hour period ends after 5 p.m., then the petition must be filed by the close of business of the first day thereafter that the district court is open for the transaction of business.

New Sec. 9. (a) Whenever any person is involuntarily admitted to or detained at a crisis intervention center pursuant to this act, the head of the crisis intervention center shall:

(1) Immediately advise the person in custody that such person is entitled to immediately contact the person's legal counsel, legal guardian, personal physician or psychologist, minister of religion, including a Christian Science practitioner, or immediate family as defined in subsection (b) or any combination thereof. If the person desires to make such contact, the head of the crisis intervention center shall make available to the person reasonable means for making such immediate communication;

(2) provide notice of the person's involuntary admission including a copy of the documentation authorizing the involuntary admission to that person's attorney or legal guardian, immediately upon learning of the existence and whereabouts of such attorney or legal guardian, unless that attorney or legal guardian was the person who signed the application resulting in the patient's admission. If authorized by the patient pursuant to K.S.A. 65-5601 through 65-5605, and amendments thereto, the head of the crisis intervention center also shall provide notice to the patient's immediate family, as defined in subsection (b), immediately upon learning of the existence and whereabouts of such family, unless the family member to be notified was the person who signed the application resulting in the patient's admission; and

(3) immediately advise the person in custody of such person's rights provided for in section 14, and amendments thereto.

(b) "Immediate family" means the spouse, domestic partner, adult children or children, parent or parents, and sibling or siblings, or any combination thereof.

New Sec. 10. (a) Medications and other treatments shall be prescribed, ordered and administered only in conformity with accepted clinical practice. Medication shall be administered only upon the written order of a physician or upon a verbal order noted in the patient's medical records and subsequently signed by the physician. The attending physician shall review regularly the drug regimen of each patient under the physician's care and shall monitor any symptoms or harmful side effects. Prescriptions for psychotropic medications shall be written with a termination date not exceeding 30 days thereafter, but may be renewed.

(b) During the course of treatment, the responsible physician or psychologist or such person's designee shall reasonably consult with the patient or the patient's legal guardian and give consideration to the views the patient or legal guardian expresses concerning treatment and any alternatives, including views expressed in any wellness recovery action plan or psychiatric advance directive. No medication or other treatment may be administered to any voluntary patient without the patient's consent or the consent of such patient's legal guardian.

(c) Consent for medical or surgical treatments not intended primarily to treat a patient's mental disorder shall be obtained in accordance with applicable law.

(d) Whenever a patient receiving treatment pursuant to this act objects to taking any medication prescribed for psychiatric treatment, and after full explanation of the

benefits and risks of such medication such objection continues, the medication may be administered over the patient's objection. Such objection shall be recorded in the patient's medical record.

(e) In no case shall experimental medication be administered without the patient's consent, which consent shall be obtained in accordance with section 12(a)(6), and amendments thereto.

New Sec. 11. (a) Restraints or seclusion shall not be applied to a patient unless it is determined by the head of the crisis intervention center or a physician or psychologist to be necessary to prevent immediate substantial bodily injury to the patient or others and that other alternative methods to prevent such injury are not sufficient to accomplish this purpose. Restraints or seclusion shall never be used as a punishment or for the convenience of staff. The extent of the restraints or seclusion applied to the patient shall be the least restrictive measure necessary to prevent such injury to the patient or others, and the use of restraint or seclusion in a crisis intervention center shall not exceed three hours without medical reevaluation, except that such medical reevaluation shall not be required, unless necessary, between the hours of 12:00 midnight and 8:00 a.m. When restraints or seclusion are applied, there shall be monitoring of the patient's condition at a frequency determined by the treating physician or psychologist, which shall be no less than once per each 15 minutes. The head of the crisis intervention center or a physician or psychologist shall sign a statement explaining the treatment necessity for the use of any restraint or seclusion and shall make such statement a part of the permanent treatment record of the patient.

(b) The provisions of subsection (a) shall not prevent, for a period not exceeding two hours without review and approval thereof by the head of the crisis intervention center or a physician or psychologist:

(1) The use of such restraints as necessary for a patient who is likely to cause physical injury to self or others without the use of such restraints;

(2) the use of restraints when needed primarily for examination or treatment or to ensure the healing process; or

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

(c) As used in this section:

(1) "Restraints" means the application of any device, other than human force alone, to any part of the body of the patient for the purpose of preventing the patient from causing injury to self or others; and

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

New Sec. 12. (a) Every patient being treated in any crisis intervention center, in addition to all other rights preserved by the provisions of the crisis intervention act, shall have the following rights:

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

(2) to communicate by all reasonable means with a reasonable number of persons at reasonable hours of the day and night, including both to make and receive confidential

telephone calls and by letter, both to mail and receive unopened correspondence, except that if the head of the crisis intervention center denies a patient's right to mail or to receive unopened correspondence under the provisions of subsection (b), such correspondence shall be opened and examined in the presence of the patient;

- (3) conjugal visits, if facilities are available for such visits;
- (4) to receive visitors in reasonable numbers and at reasonable times each day;
- (5) to refuse involuntary labor other than the housekeeping of the patient's own bedroom and bathroom, provided that nothing herein shall be construed to prohibit a patient from performing labor as part of a therapeutic program to which the patient has given their written consent and for which the patient receives reasonable compensation;
- (6) not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient;

(7) to have explained the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatment ordered;

(8) to communicate by letter with the secretary for aging and disability services, the head of the crisis intervention center and any court, attorney, physician, psychologist, qualified mental health professional, licensed addiction counselor or minister of religion, including a Christian Science practitioner. All such communications shall be forwarded at once to the addressee without examination and communications from such persons shall be delivered to the patient without examination;

(9) to contact and consult privately with the patient's physician, psychologist, qualified mental health professional, licensed addiction counselor, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time;

(10) to be visited by the patient's physician, psychologist, qualified mental health professional, licensed addiction counselor, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time;

(11) to be informed orally and in writing of such patient's rights under this section upon admission to a crisis intervention center; and

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

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

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

New Sec. 13. Any district court records and any treatment records or medical

records of any person who has been admitted to a crisis intervention center pursuant to this act that are in the possession of any district court or crisis intervention center treatment facility shall be privileged and shall be not disclosed except as provided under K.S.A. 59-2979, and amendments thereto.

New Sec. 14. Any person or law enforcement agency, governing body, crisis intervention center, community mental health center or personnel acting in good faith and without negligence shall be free from all liability, civil or criminal, that might arise out of acting or declining to act pursuant to the crisis intervention act. Any person who, for a corrupt consideration or advantage, or through malice, shall make or join in making or advise the making of any false petition, report or order provided for in the crisis intervention act, shall be guilty of a class A misdemeanor.

Sec. 15. K.S.A. 2016 Supp. 39-2001 is hereby amended to read as follows: 39-2001. The purpose of this act is the development, establishment and enforcement of standards:

(a) For the care, treatment, health, safety, welfare and comfort of individuals residing in or receiving treatment or services provided by residential care facilities, residential and day support facilities, private and public psychiatric hospitals, psychiatric residential treatment facilities, community mental health centers, crisis intervention centers and providers of other disability services licensed by the secretary for aging and disability services; and

(b) for the construction, maintenance or operation, or any combination thereof, of facilities, hospitals, centers and providers of services that will promote safe and adequate accommodation, care and treatment of such individuals.

Sec. 16. K.S.A. 2016 Supp. 39-2002 is hereby amended to read as follows: 39-2002. As used in this act, the following terms shall have the meanings ascribed to them in this section:

(a) "Center" means a community mental health center or crisis intervention center.

(b) "Community mental health center" means a center organized pursuant to article 40 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, or a mental health clinic organized pursuant to article 2 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(c) "Crisis intervention center" means an entity that is open 24 hours a day, 365 days a year, equipped to serve voluntary and involuntary individuals in crisis due to mental illness, substance abuse or co-occurring conditions, and that uses certified specialists.

(d) "Department" means the department for aging and disability services.

~~(d)~~(e) "Facility" means any place other than a center or hospital that meets the requirements as set forth by regulations created and adopted by the secretary, where individuals reside and receive treatment or services provided by a person or entity licensed under this act.

~~(e)~~(f) "Hospital" means a psychiatric hospital.

~~(f)~~(g) "Individual" means a person who is the recipient of behavioral health, intellectual disabilities, developmental disabilities or other disability services as set forth in this act.

~~(g)~~(h) "Licensee" means one or more persons or entities licensed by the secretary under this act.

~~(h)~~(i) "Licensing agency" means the secretary for aging and disability services.

~~(h)~~(i) "Other disabilities" means any condition for which individuals receive home and community based waiver services.

~~(j)~~(k) "Provider" means a person, partnership or corporation employing or contracting with appropriately credentialed persons that provide behavioral health, excluding substance use disorder services for purposes of this act, intellectual disability, developmental disability or other disability services in accordance with the requirements as set forth by rules and regulations created and adopted by the secretary.

~~(d)~~(l) "Psychiatric hospital" means an institution, excluding state institutions as defined in K.S.A. 76-12a01, and amendments thereto, that is primarily engaged in providing services, by and under the supervision of qualified professionals, for the diagnosis and treatment of mentally ill individuals, and the institution meets the licensing requirements as set forth by rules and regulations created and adopted by the secretary.

~~(h)~~(m) "Psychiatric residential treatment facility" means any non-hospital facility with a provider agreement with the licensing agency to provide the inpatient services for individuals under the age of 21 who will receive highly structured, intensive treatment for which the licensee meets the requirements as set forth by regulations created and adopted by the secretary.

~~(m)~~(n) "Residential care facility" means any place or facility, or a contiguous portion of a place or facility, providing services for two or more individuals not related within the third degree of relationship to the administrator, provider or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and supervised nursing care to compensate for activities of daily living limitations, and which place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of an individual's independence, including crisis residential care facilities.

~~(h)~~(o) "Secretary" means the secretary for aging and disability services.

~~(e)~~(p) "Services" means the following types of behavioral health, intellectual disability, developmental disability and other disability services, including, but not limited to: Residential supports, day supports, care coordination, case management, workshops, sheltered domiciles, education, therapeutic services, assessments and evaluations, diagnostic care, medicinal support and rehabilitative services.

Sec. 17. K.S.A. 2016 Supp. 39-2003 is hereby amended to read as follows: 39-2003. (a) In addition to the authority, powers and duties otherwise provided by law, the secretary shall have the following authority, powers and duties to:

(1) Enforce the laws relating to the hospitalization of mentally ill individuals of this state in a psychiatric hospital and the diagnosis, care, training or treatment of individuals receiving services through community mental health centers, crisis intervention centers, psychiatric residential treatment facilities for individuals with mental illness, residential care facilities or other facilities and services for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities.

(2) Inspect, license, certify or accredit centers, facilities, hospitals and providers for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation, and to deny, suspend or revoke a license granted for causes shown.

(3) Set standards for centers, facilities, hospitals and providers for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation.

(4) Set standards for, inspect and license all providers and facilities for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities receiving assistance through the Kansas department for aging and disability services which receive or have received after June 30, 1967, any state or federal funds, or facilities where individuals with mental illness, intellectual disabilities or developmental disabilities reside who require supervision or require limited assistance with the taking of medication. The secretary may adopt rules and regulations that allow the facility to assist an individual with the taking of medication when the medication is in a labeled container dispensed by a pharmacist.

(5) Enter into contracts necessary or incidental to the performance of the secretary's duties and the execution of the secretary's powers.

(6) Solicit and accept for use any gift of money or property, real or personal, made by will or otherwise, and any grant of money, services or property from the federal government, the state or any political subdivision thereof or any private source and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant.

(7) Administer or supervise the administration of the provisions relating to individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation and regulations.

(8) Coordinate activities and cooperate with treatment providers or other facilities for those with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation and regulations in this and other states for the treatment of such individuals and for the common advancement of these programs and facilities.

(9) Keep records, gather relevant statistics, and make and disseminate analyses of the same.

(10) Do other acts and things necessary to execute the authority expressly granted to the secretary.

(b) Notwithstanding the existence or pursuit of any other remedy, the secretary for aging and disability services, as the licensing agency, in the manner provided by the Kansas judicial review act, may maintain an action in the name of the state of Kansas for an injunction against any person or facility to restrain or prevent the operation of a residential care facility, crisis residential care facility, private or public psychiatric hospital, psychiatric residential treatment facility, provider of services, community mental health center, crisis intervention center or any other facility providing services to individuals without a license.

(c) Reports and information shall be furnished to the secretary by the superintendents, executive or other administrative officers of all psychiatric hospitals, community mental health centers, crisis intervention centers or facilities serving individuals with intellectual disabilities or developmental disabilities and facilities serving other disabilities receiving assistance through the Kansas department for aging and disability services.

Sec. 18. K.S.A. 59-2953 is hereby amended to read as follows: 59-2953. (a) Any law enforcement officer who has a reasonable belief formed upon investigation that a

person is a mentally ill person and because of such person's mental illness is likely to cause harm to self or others if allowed to remain at liberty may take the person into custody without a warrant. If the officer is in a crisis intervention center service area, as defined in section 2, and amendments thereto, the officer may transport the person to such crisis intervention center. If the officer is not in a crisis intervention service area, as defined in section 2, and amendments thereto, or does not choose to transport the person to such crisis intervention center, then the officer shall transport the person to a treatment facility where the person shall be examined by a physician or psychologist on duty at the treatment facility, except that no person shall be transported to a state psychiatric hospital for examination, unless a written statement from a qualified mental health professional authorizing such an evaluation at a state psychiatric hospital has been obtained. If no physician or psychologist is on duty at the time the person is transported to the treatment facility, the person shall be examined within a reasonable time not to exceed 17 hours. If a written statement is made by the physician or psychologist at the treatment facility that after preliminary examination the physician or psychologist believes the person likely to be a mentally ill person subject to involuntary commitment for care and treatment and because of the person's mental illness is likely to cause harm to self or others if allowed to remain at liberty, and if the treatment facility is willing to admit the person, the law enforcement officer shall present to the treatment facility the application provided for in ~~subsection (b) of K.S.A. 59-2954(b)~~ and amendments thereto. If the physician or psychologist on duty at the treatment facility does not believe the person likely to be a mentally ill person subject to involuntary commitment for care and treatment the law enforcement officer shall return the person to the place where the person was taken into custody and release the person at that place or at another place in the same community as requested by the person or if the law enforcement officer believes that it is not in the best interests of the person or the person's family or the general public for the person to be returned to the place the person was taken into custody, then the person shall be released at another place the law enforcement officer believes to be appropriate under the circumstances. The person may request to be released immediately after the examination, in which case the law enforcement officer shall immediately release the person, unless the law enforcement officer believes it is in the best interests of the person or the person's family or the general public that the person be taken elsewhere for release.

(b) If the physician or psychologist on duty at the treatment facility states that, in the physician's or psychologist's opinion, the person is likely to be a mentally ill person subject to involuntary commitment for care and treatment but the treatment facility is unwilling to admit the person, the treatment facility shall nevertheless provide a suitable place at which the person may be detained by the law enforcement officer. If a law enforcement officer detains a person pursuant to this subsection, the law enforcement officer shall file the petition provided for in ~~subsection (a) of K.S.A. 59-2957(a)~~ and amendments thereto, by the close of business of the first day that the district court is open for the transaction of business or shall release the person. No person shall be detained by a law enforcement officer pursuant to this subsection in a nonmedical facility used for the detention of persons charged with or convicted of a crime.

Sec. 19. K.S.A. 2016 Supp. 59-2978 is hereby amended to read as follows: 59-2978. (a) Every patient being treated in any treatment facility, in addition to all other rights preserved by the provisions of this act, shall have the following rights:

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

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

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

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

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

(6) not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose;

(7) to have explained, the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered;

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

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

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

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

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

(b) The head of the treatment facility may, for good cause only, restrict a patient's rights under this section, except that the rights enumerated in subsections (a)(5) through (a)(12), and the right to mail any correspondence which does not violate postal regulations, shall not be restricted by the head of the treatment facility under any circumstances. Each treatment facility shall adopt regulations governing the conduct of all patients being treated in such treatment facility, which regulations shall be consistent

with the provisions of this section. A statement explaining the reasons for any restriction of a patient's rights shall be immediately entered on such patient's medical record and copies of such statement shall be made available to the patient or to the parent, or legal guardian if such patient is a minor or has a legal guardian, and to the patient's attorney. In addition, notice of any restriction of a patient's rights shall be communicated to the patient in a timely fashion.

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

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

Sec. 20. K.S.A. 59-2980 is hereby amended to read as follows: 59-2980. Any person or law enforcement agency, governing body, community mental health center or personnel acting in good faith and without negligence shall be free from all liability, civil or criminal, ~~which that~~ might arise out of acting or declining to act pursuant to this act. Any person who for a corrupt consideration or advantage, or through malice, shall make or join in making or advise the making of any false petition, report or order provided for in this act shall be guilty of a class A misdemeanor.

Sec. 21. K.S.A. 59-29b53 is hereby amended to read as follows: 59-29b53. (a) Any law enforcement officer who has a reasonable belief formed upon investigation that a person may be a person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if allowed to remain at liberty may take the person into custody without a warrant. If the officer is in a crisis intervention center service area, as defined in section 2, and amendments thereto, the officer may transport the person to such crisis intervention center. If the officer is not in a crisis intervention center service area, as defined in section 2, and amendments thereto, or does not choose to transport the person to such crisis intervention center, then the officer shall transport the person to a treatment facility or other facility for care or treatment where the person shall be examined by a physician or psychologist on duty at the facility. If no physician or psychologist is on duty at the time the person is transported to the facility, the person shall be examined within a reasonable time not to exceed 17 hours. If a written statement is made by the physician or psychologist at the facility that after preliminary examination the physician or psychologist believes the person likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if allowed to remain at liberty, and if the facility is a treatment facility and is willing to admit the person, the law enforcement officer shall present to that treatment facility the application provided for in ~~subsection (b) of~~ K.S.A. 59-29b54(b), and amendments thereto. If the physician or psychologist on duty at the facility does not believe the person likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment, the law enforcement officer shall return the person to the place where the person was taken into custody and release the person at that place or at another place in the same community as requested by the person or if the law enforcement officer believes that it is not in the best interests of the person or the person's family or the general public for the person to

be returned to the place the person was taken into custody, then the person shall be released at another place the law enforcement officer believes to be appropriate under the circumstances. The person may request to be released immediately after the examination, in which case the law enforcement officer shall immediately release the person, unless the law enforcement officer believes it is in the best interests of the person or the person's family or the general public that the person be taken elsewhere for release.

(b) If the physician or psychologist on duty at the facility states that, in the physician's or psychologist's opinion, the person is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment but the facility is unwilling or is an inappropriate place to which to admit the person, the facility shall nevertheless provide a suitable place at which the person may be detained by the law enforcement officer. If a law enforcement officer detains a person pursuant to this subsection, the law enforcement officer shall file the petition provided for in ~~subsection (a) of K.S.A. 59-29b57(a)~~ and amendments thereto, by the close of business of the first day that the district court is open for the transaction of business or shall release the person. No person shall be detained by a law enforcement officer pursuant to this subsection in a nonmedical facility used for the detention of persons charged with or convicted of a crime unless no other suitable facility at which such person may be detained is willing to accept the person.

Sec. 22. K.S.A. 2016 Supp. 59-29b78 is hereby amended to read as follows: 59-29b78. (a) Every patient being treated in any treatment facility, in addition to all other rights preserved by the provisions of this act, shall have the following rights:

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

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

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

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

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

(6) not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose;

(7) to have explained, the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other

treatments ordered;

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

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

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

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

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

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

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

Sec. 23. K.S.A. 59-29b80 is hereby amended to read as follows: 59-29b80. Any person or law enforcement agency, governing body, community mental health center or personnel acting in good faith and without negligence shall be free from all liability, civil or criminal, ~~which that~~ might arise out of acting or declining to act pursuant to this act. Any person who for a corrupt consideration or advantage, or through malice, shall make or join in making or advise the making of any false petition, report or order provided for in this act shall be guilty of a class A misdemeanor.

Sec. 24. K.S.A. 59-2953, 59-2980, 59-29b53, and 59-29b80 and K.S.A. 2016 Supp. 39-2001, 39-2002, 39-2003, 59-2978 and 59-29b78 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking line 2; in line 3, by striking all before the period and inserting "concerning the care and treatment of certain persons; enacting the crisis intervention act; amending K.S.A. 59-2953, 59-2980, 59-29b53 and 59-29b80 and K.S.A. 2016 Supp. 39-2001, 39-2002, 39-2003, 59-

2978 and 59-29b78 and repealing the existing sections";

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **S Sub HB 2053**.

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

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

Present and Passing: Hilderbrand.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2301** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, in line 8, by striking "(a)"; in line 9, by striking the period; in line 10, by striking all before "shall" and inserting "and"; also in line 10, by striking "not"; in line 11, by striking all after the period; by striking all in lines 12 and 13;

On page 6, following line 13, by inserting:

"Sec. 4. K.S.A. 2016 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all public bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include ~~a statement of: (1) The justification for closing the meeting; (2);~~ (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. ~~Such The complete motion; including the required statement;~~ shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) ~~No subjects shall be discussed at any closed or executive meeting, except~~ Justifications for recess to a closed or executive meeting may only include the

following ~~the~~ need:

- (1) ~~To discuss~~ personnel matters of nonelected personnel;
- (2) ~~for~~ consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship;
- (3) ~~matters relating to discuss~~ employer-employee negotiations whether or not in consultation with the representative or representatives of the public body or agency;
- (4) ~~confidential to discuss~~ data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) ~~to discuss~~ matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) ~~preliminary discussions relating to~~ for the preliminary discussion of the acquisition of real property;
- (7) ~~to discuss~~ matters relating to parimutuel racing permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
- (8) ~~to discuss~~ matters relating to the care of children permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 38-2212(d)(1), ~~and amendments thereto~~, or K.S.A. 38-2213(e), and amendments thereto;
- (9) ~~to discuss~~ matters relating to the investigation of child deaths permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j), and amendments thereto;
- (10) ~~matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 44-596(e), and amendments thereto;~~
- (11) ~~to discuss~~ matters relating to patients and providers permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 39-7,119(g), and amendments thereto;
- (12)(11) ~~to discuss~~ matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;
- (13)(12) ~~to discuss~~ matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the public body or agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments;
- (14)(13) ~~to discuss~~ matters relating to maternity centers and child care facilities permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 65-525(~~f~~)(d), and amendments thereto;
- (15)(14) ~~to discuss~~ matters relating to the office of inspector general permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 75-7427, and amendments thereto; and

~~(16) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 46-3801, and amendments thereto~~

(15) for the governor's domestic violence fatality review board to conduct case reviews.

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

~~(d)-(4)~~ Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)~~(13)~~ (12), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

~~(2) (A) Except as otherwise provided by law, any confidential documents, records or reports relating to the prisoner review board provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.~~

~~(B) Notwithstanding any other provision of law to the contrary, any summary statement provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action."~~

Also on page 6, in line 15, by striking "and" and inserting a comma; also in line 15, after "75-7d08" by inserting "and 75-4319";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "public records" and inserting "open government"; also in line 1, after "to" by inserting "public records;"; in line 2, after the semicolon by inserting "Kansas open meetings act; closed or executive meetings;"; in line 3, by striking the second "and" and inserting a comma; also in line 3, after "75-7d08" by inserting "and 75-4319";

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2301**.

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

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

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until 4:30 p.m..

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

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **Substitute for HB 2230** be amended, on page 1, in line 6, before "Section" by inserting: "New"; following line 30, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 79-213 is hereby amended to read as follows: 79-213.
(a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the state board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the state board of tax appeals. With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the board of tax appeals by the county appraiser on or before the effective date of this act, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state board of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the constitution of the state of Kansas; or (2) K.S.A. 79-201a *Second*, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under

the authority of K.S.A. 12-1740 ~~to through~~ 12-1749, ~~inclusive~~, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m, and amendments thereto; (7) grain exempted

from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth*, and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x, and amendments thereto, from the property tax levied pursuant to K.S.A. 2016 Supp. 72-6470, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto; (17) from and after July 1, 1998, motor vehicles exempted from taxation by K.S.A. 79-5107(e), and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-224, and amendments thereto; ~~and~~ (20) property exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-234, and amendments thereto; (21) recreational vehicles exempted from property or ad valorem taxation by K.S.A. 79-5121(e), and amendments thereto; (22) property acquired by a land bank exempt from property or ad valorem taxation pursuant to K.S.A. 2016 Supp. 12-5909 or K.S.A. 19-26.111, and amendments thereto; and (23) property belonging exclusively to the United States and exempted from ad valorem taxation by K.S.A. 79-201a *First*, and amendments thereto, except that the provisions of this subsection (1)(23) shall not apply to any such property that the congress of the United States has expressly declared to be subject to state and local taxation.

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the constitution of the state of Kansas.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

Sec. 3. K.S.A. 2016 Supp. 79-213 is hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking the comma and inserting a semicolon; in line 3, after "enclave" by inserting "; allowing county appraisers to exempt certain property without order from the board of tax appeals; amending K.S.A. 2016 Supp. 79-213 and repealing the existing section"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, May 4, 2017.

Journal of the Senate

SIXTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 4, 2017, 10:00 a.m.

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

Lord, today has been dubbed "The National Day of Prayer." And outside of our power to control, there are global, national, statewide, local and personal concerns prompting us to pray. In fact, You said in Philippians 4:6, that we should pray about everything. So, Lord, as we navigate the many serious roads we must travel, keep us humble enough to see the need for a spiritual GPS system.

You said in Proverbs 14:12 and 16:25, that there's a way that seems right, but it has a dead end.

So, Lord we need tracking from two perspectives; from the human and from the Divine. From the human stand point, we need the determination to be tracking You...following Your guidance...stopping, turning and going as You direct us.

And from the Divine stand point, when we miss, ignore or even rebel against Your guidance, we need You to help us know that You're still there to lead us; that You see where we are versus where we should be, and You're recalculating for us, giving us the new stops and turns that we need to get back on the right track.

Thanks Lord, for the privilege, power, pleasure and preference of prayer! In Jesus' Name, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Taylor rose on a Point of Personal Privilege to recognize Susan Givens, Kansas 2017 Superintendent of the Year. She is currently Superintendent of the El Dorado school district. Susan is the wife of Senator Bruce Givens.

Senators honored her with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Commerce: **HB 2184**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 16**.

The House adopts the Conference Committee report on **SB 149**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1743—

A RESOLUTION congratulating and commending Zeke Metz for his accomplishments during the 2016-2017 swimming season.

WHEREAS, Zeke Metz is a junior swimmer at Seaman High School in Topeka, Kansas; and

WHEREAS, Zeke had a tremendous swimming season, which earned him many awards, including All-City, All-Centennial League and All-State recognition; and

WHEREAS, Zeke broke school records in the 200 freestyle, 200 individual medley, 500 freestyle, 100 backstroke, 200 freestyle relay and 400 freestyle relay, and he set the City and Centennial League records for the 500 freestyle; and

WHEREAS, At the Centennial League competition in Emporia, Zeke won individual medals in the 200 individual medley and the 500 freestyle, and he won three more golds as a member of the 200 freestyle relay, 400 freestyle relay and 200 medley relay; and

WHEREAS, During the state competition in Topeka, Zeke won first place in the 500 freestyle, second place in the 200 freestyle, third place in the 200 freestyle relay and fifth place in the 400 freestyle relay: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Zeke Metz for his accomplishments during the 2016-2017 swimming season, and we wish him all the best as he prepares for the upcoming 2017-2018 swimming season; and

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

On emergency motion of Senator Kelly **SR 1743** was adopted by voice vote.

Guests introduced were Natalie Haag, Ken Metz, Dixie Haag, Rod Garman, Bob Shearer and Brad Dietz.

Senators honored Zeke and guests with a standing ovation.

Senators Kelly, Hensley and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1744—

A RESOLUTION congratulating and commending the Washburn University debate team.

WHEREAS, The Washburn University debate team competed in the 24th Annual National Parliamentary Debate Association National Championship held in Colorado Springs, Colorado, and they returned with two teams named co-champions: Ryan Kelly and Kaitlyn Bull; and Will Starks and Quintin Brown; and

WHEREAS, For the fourth time in eight years, the debate team won the Squad Sweepstakes National Championship, which is awarded to teams based on their success throughout the entire debate season; and

WHEREAS, The debate team scored victories over 63 other nationally-ranked, parliamentary-style debate teams to bring home top honors from the invitation-only 17th

Annual National Parliamentary Tournament of Excellence (NPTE), which is hosted by Colorado State University. This is the second time the debate team has won this national tournament; and

WHEREAS, At the NPTE, three Washburn students were ranked among the best 100 collegiate parliamentary debaters in the United States: Senior Kaitlyn Bull, second; senior Quintin Brown, third; and senior Ryan Kelly, fourth; and

WHEREAS, The debate team defeated 26 other teams from 13 universities to win first and second place at the inaugural National Round Robin of Parliamentary Debate Competition hosted by William Jewell College; and

WHEREAS, The debate team is sponsored and coached by Dr. Kevin O'Leary, Director of Forensics and lecturer of Communications Studies at Washburn University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Washburn University debate team for their success during the 2016-2017 season, and we commend them for the outstanding way in which they represent Washburn University and the State of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1744** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Susan 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 14**, **SB 16**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 14** 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 7, by striking all in lines 35 through 38;

On page 11, following line 29, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 40-4905 is hereby amended to read as follows: 40-4905. (a) Subject to the provisions of K.S.A. 2016 Supp. 40-4904, and amendments thereto, it shall be unlawful for any person to sell, solicit or negotiate any insurance within this state unless such person has been issued a license as an insurance agent in accordance with this act.

(b) Any person applying for a resident insurance agent license shall make application on a form prescribed by the commissioner. The applicant shall declare under penalty of perjury that the statements made in the application are true, correct and complete to the best of the applicant's knowledge and belief. Before approving the

application, the commissioner shall determine that the applicant:

(1) Is at least 18 years of age;
 (2) has not committed any act that is grounds for denial pursuant to this section or suspension or revocation pursuant to K.S.A. 2016 Supp. 40-4909, and amendments thereto;

(3) has paid a nonrefundable fee in the amount of \$30; and
 (4) has successfully passed the examination for each line of authority for which the applicant has applied.

(c) If the applicant is a business entity, then the commissioner shall make the following additional determinations in addition to those required by subsection (a):

(1) The name and address of a licensed agent who shall be responsible for the business entity's compliance with the insurance laws of this state and the rules and regulations promulgated thereunder;

(2) that each officer, director, partner and employee of the business entity who acts as an insurance agent is licensed as an insurance agent;

(3) that the business entity has disclosed to the department all of its officers, directors and partners whether or not such officers, directors, partners and employees are licensed as insurance agents; and

(4) that the business entity has disclosed to the department each officer, director, partner and employee who is licensed as an insurance agent.

(d) Any business entity which acts as an insurance agent and holds a direct agency appointment from an insurance company shall be required to obtain an insurance agent license.

(e) The commissioner may require the applicant to furnish any document or other material reasonably necessary to verify the information contained in an application.

(f) Each insurer that sells, solicits or negotiates any form of limited line credit insurance shall provide a program of instruction that may be approved by the commissioner to each individual employed by or acting on behalf of such insurer to sell, solicit or negotiate limited line credit insurance.

(g) (1) Each licensed insurance agent shall notify the commissioner of any officer, director, partner or employee of such insurance agent who:

(A) Is licensed as an individual insurance agent; and
 (B) was not disclosed in such insurance agent's application for a license or any renewal thereof.

(2) Each licensed insurance agent shall notify the commissioner of any of its officers, directors, partners or employees who:

(A) Have terminated such relationship as an officer, director, partner or employee of such insurance agent; and

(B) has been previously disclosed in such insurance agent's application for a license or any renewal thereof.

(3) Each licensed insurance agent shall notify the commissioner within 30 working days of occurrence of any event required to be reported under paragraphs (1) or (2) of this subsection. Failure to provide the commissioner with the information required by this subsection shall subject the licensee to a monetary penalty of \$10 per day for each working day the required information is late subject to a maximum of \$50 per person per licensing year.

(h) Any applicant whose application for a license; is denied shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(i) (1) The commissioner may require a person applying for a resident insurance agent license 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 arrests and convictions in this state or other jurisdictions. The commissioner 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. Local and state law enforcement officers and agencies shall assist the commissioner in the taking and processing of fingerprints of applicants and shall release all records of an applicant's arrests and convictions to the commissioner.

(2) The commissioner may conduct, or have a third party conduct, a background check on a person applying for a resident insurance agent license.

(3) Whenever the commissioner requires fingerprinting, a background check, or both, any associated costs shall be paid by the applicant.

(4) The commissioner may use the information obtained from a background check, fingerprinting and the applicant's criminal history only for purposes of verifying the identification of any applicant and in the official determination of the fitness of the applicant to be issued a license as an insurance agent in accordance with this act.

(5) A person applying for a resident insurance agent license who has been fingerprinted and has submitted to a state and national criminal history record check within the past 12 months in connection with the successful issuance or renewal of any other state-issued license may submit proof of such good standing to the commissioner in lieu of submitting to the fingerprinting and criminal history record checks described in subsections (i)(1) and (i)(2).

Sec. 4. K.S.A. 2016 Supp. 40-4905 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first "to"; in line 2, by striking all before the semicolon and inserting "the regulation of sales thereof; insurance agent licensure"; also in line 2, after "40-4903" by inserting "and 40-4905"; in line 3, by striking "section" and inserting "sections";

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

JENE VICKREY

WILLIE DOVE

CINDY NEIGHBOR

Conferees on part of House

JEFF LONGBINE

RICK BILLINGER

LYNN ROGERS

Conferees on part of Senate

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 14**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Masterson, Pilcher-Cook, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **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 14, following line 15, by inserting:

"Sec. 4. On and after January 1, 2018, K.S.A. 2016 Supp. 40-221a is hereby amended to read as follows: 40-221a. (a) ~~Any insurance company organized under the laws of this state may (1) with the consent of the commissioner of insurance, cede all of its risks to any other solvent insurance company authorized to transact business in this state or accept all of the risks of any other company, (2) accept all or any part of an individual risk or all or any part of a particular class of risks which it is authorized to insure, and (3) cede all or any part of an individual risk or all or any part of a particular class of risks to another solvent insurer or insurers having the power to accept such reinsurance.~~

~~(b) Any insurance company organized under the laws of this state may take credit as an asset or as a deduction from loss and unearned premium reserves on such ceded risks to the extent reinsured by an insurer or insurers authorized to transact business in this state, but such credit on ceded risks reinsured by any insurer which is not authorized to transact business in this state may be taken in an amount not exceeding:~~

~~(1) The amount of deposits by, and funds withheld from, the assuming insurer pursuant to express provision therefor in the reinsurance contract, as security for the payment of the obligations thereunder, if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes in a qualified United States financial institution, if withdrawals from such trust cannot be made without the consent of the ceding company;~~

~~(2) the amount of a clean and irrevocable letter of credit issued by a qualified United States financial institution if such letter of credit is initially issued for a term of at least one year and by its terms is automatically renewed at each expiration date for at least an additional one year term unless at least 30 days prior written notice of intention not to renew is given to the ceding company by the issuing qualified United States financial institution or the assuming company and provided that such letter of credit is issued under arrangements satisfactory to the commissioner of insurance as constituting security to the ceding insurer substantially equal to that of a deposit under paragraph (1) of this subsection; or~~

~~(3) the amount of loss and unearned premium reserves on such ceded risks to an assuming insurer which maintains a trust fund in a qualified United States financial institution, as defined in (b)(3)(D), for the payment of the valid claims of its United States ceding insurers, their assigns and successors in interest. The assuming insurer~~

~~shall report annually to the commissioner information substantially the same as that required to be reported on the national association of insurance commissioners annual statement form by licensed insurers to enable the commissioner to determine the sufficiency of the trust fund. In the case of a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liability attributable to business written in the United States and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than \$20,000,000. In the case of a group including incorporated and individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, the group shall maintain a trusteed surplus of which \$100,000,000 shall be held jointly for the benefit of United States ceding insurers of any member of the group; the incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and the group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants.~~

~~(A) Such trust must be in a form approved by the commissioner of insurance. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States ceding insurers, their assigns and successors in interest. The trust and the assuming group or insurer shall be subject to examination as determined by the commissioner. The trust, described herein, must remain in effect for as long as the assuming group or insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.~~

~~(B) No later than February 28 of each year the trustees of the trust shall report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.~~

~~(C) The credit authorized under subsection (b)(3) shall not be allowed unless the assuming group or insurer agrees in the reinsurance agreements:~~

~~(i) That in the event of the failure of the assuming group or insurer to perform its obligations under the terms of the reinsurance agreement, the assuming group or insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or of any appellate court in the event of an appeal; and~~

~~(ii) to designate the commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company.~~

~~(iii) This provision is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation to do so is created in the agreement.~~

~~(D) (i) For the purposes of paragraphs (1) and (3) of subsection (b), a "qualified United States financial institution" means, for purposes of those provisions of this law~~

specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

~~(aa) Is organized, or (in the case of a U.S. branch or agency office of a foreign banking organization) licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and~~

~~(bb) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.~~

~~(ii) For the purposes of paragraph (2) of subsection (b), "qualified United States financial institution" means, for the purpose of those provisions of this law specifying those institutions that are eligible to issue a letter of credit, an institution that:~~

~~(aa) Is organized or (in the case of a United States office of a foreign banking organization) licensed, under the laws of the United States or any state thereof;~~

~~(bb) is regulated, supervised and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and~~

~~(cc) has been determined by the insurance commissioner to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.~~

~~In making determinations under this clause, the commissioner may consult with the securities valuation office of the national association of insurance commissioners.~~

~~(e) No credit shall be allowed, as an admitted asset or deduction from liability, to any ceding insurer organized under the laws of this state for reinsurance, unless the reinsurance contract provides, in substance, that in the event of the insolvency of the ceding insurer, the reinsurance shall be payable under a contract reinsured by the assuming insurer on the basis of the liability of the ceding company under the contract or contracts reinsured, as approved by the liquidation court, without diminution because of the insolvency of the ceding company. Any reinsurance agreement entered into with a domestic insurer which may be canceled on less than 90 days' notice, and which cancellation would constitute a material cancellation as defined by K.S.A. 40-2-156a, and amendments thereto, must provide in the reinsurance agreement, in substance, for a run-off of the reinsurance in force at the date of cancellation, unless the agreement is canceled for nonpayment of premium or fraud in the inducement. Reinsurance payments shall be made directly to the ceding insurer or to its domiciliary liquidator except: (1) Where the reinsurance contract or policy reinsured specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer; or (2) where the assuming insurer, with the consent of the direct insured, has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.~~

~~(d) The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding. During the pendency of such claim, any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated any defenses which it deems available to the ceding insurer, or its liquidator. Such expense may be filed as a claim against the insolvent ceding insurer to the extent of a~~

proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of paragraphs (1), (2), (3), (4), (5) or (6). Credit shall be allowed under paragraphs (1), (2) or (3) of this subsection only as respects cessions of those kinds or classes of business that the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed only under paragraphs (3) or (4) of this subsection if the applicable requirements of paragraph (7) have been satisfied.

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance or reinsurance in this state.

(2) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the commissioner as a reinsurer in this state. In order to be eligible for accreditation, an assuming insurer must:

(A) File with the commissioner evidence of the assuming insurer's submission to this state's jurisdiction;

(B) submit to this state's authority to examine the assuming insurer's books and records;

(C) be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer, be entered through and licensed to transact insurance or reinsurance in at least one state;

(D) file annually with the commissioner a copy of the assuming insurer's annual statement filed with the insurance department of the assuming insurer's state of domicile and a copy of the assuming insurer's most recent audited financial statement; and

(E) demonstrate to the satisfaction of the commissioner that it has adequate financial capacity to meet the assuming insurer's reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of the assuming insurer's application if it maintains a surplus as regards policyholders in an amount not less than \$20,000,000 and its accreditation has not been denied by the commissioner within 90 days after submission of its application.

(3) (A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

(i) Maintains a surplus as regards policyholders in an amount not less than \$20,000,000; and

(ii) submits to the authority of this state to examine the assuming insurer's books and records.

(B) The requirement of subsection (a)(3)(A)(i) does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

(4) (A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in subsection (c)(2), for the payment of the valid claims of the assuming insurer's United States ceding insurers, their assigns and successors in interest. To enable the commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the national association of insurance commissioners annual statement form by licensed insurers. The assuming insurer shall submit to examination of its books and records by the commissioner and bear the expense of examination:

(B) (i) credit for reinsurance shall not be granted under this subsection unless the form of the trust and any amendments to the trust have been approved by either of the following:

(a) The commissioner of the state where the trust is domiciled; or

(b) the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(ii) The form of the trust and any trust amendments also shall be filed with the commissioner of every state in which the ceding insurer's beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to the trust's assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner.

(iii) The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February 28 of each year, the trustee of the trust shall report to the commissioner in writing the balance of the trust and the listing of the trust's investments at the preceding year-end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the following December 31.

(C) The following requirements apply to the following categories of the assuming insurer:

(i) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers, and, in addition, the assuming insurer shall maintain a trustee surplus of not less than \$20,000,000, except as provided in subsection (a)(4)(C)

(ii) At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trustee surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an

independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus shall not be reduced to an amount less than 30% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;

(iii) (a) in the case of a group including incorporated and individual unincorporated underwriters, all of the following requirements are met:

(1) For reinsurance ceded under reinsurance agreements with an inception, amendment or renewal date on or after January 1, 1993, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several liabilities attributable to business ceded by United States domiciled ceding insurers to any underwriter of the group;

(2) for reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this act, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States; and

(3) in addition to the trusts described in subsections (a)(4)(B)(iii)(a)(1) and (a)(4)(B)(iii)(a)(2), the group shall maintain in trust a trusteed surplus of which \$100,000,000 shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account.

(b) The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members of the group; and

(c) within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the commissioner an annual certification by the group's domiciliary regulator of the solvency of each underwriter member, or if a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the group.

(iv) In the case of a group of incorporated underwriters under common administration, the group shall meet all of the following requirements:

(a) Have continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation;

(b) maintain an aggregate policyholders' surplus of at least \$10,000,000,000;

(c) maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by United States domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;

(d) in addition, maintain a joint trusteed surplus of which \$100,000,000 shall be held jointly for the benefit of United States domiciled ceding insurers of any member of the group as additional security for these liabilities; and

(e) within 90 days after the group's financial statements are due to be filed with the group's domiciliary regulator, make available to the commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by its independent public accountant.

(5) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the commissioner as a reinsurer in this state and the reinsurer secures its obligations in accordance with the following requirements:

(A) In order to be eligible for certification, the assuming insurer shall meet all of the following requirements:

(i) Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the commissioner pursuant to subsection (a)(5)(C);

(ii) maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the commissioner pursuant to regulation;

(iii) maintain financial strength ratings from two or more rating agencies deemed acceptable by the commissioner pursuant to regulation;

(iv) agree to submit to the jurisdiction of this state, appoint the commissioner as the assuming insurer's agent for service of process in this state, and agree to provide security for 100% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final United States judgment;

(v) agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis; and

(vi) satisfy any other requirements for certification deemed relevant by the commissioner.

(B) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. In order to be eligible for certification, in addition to satisfying the requirements of subsection (a)(5)(A) and all of the following requirements:

(i) The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection;

(ii) the incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members of the association; and

(iii) within 90 days after the association's financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member. If a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the association shall be provided instead.

(C) The commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer.

(i) In order to determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and

consider the rights, benefits and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. In order to be recognized as a qualified jurisdiction, a jurisdiction must agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.

(ii) A list of qualified jurisdictions shall be published through the national association of insurance commissioners' process. The commissioner shall consider this list in determining qualified jurisdictions. If the commissioner recognizes a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification in accordance with criteria to be developed under rules and regulations.

(iii) United States jurisdictions that meet the requirement for accreditation under the national association of insurance commissioners' financial standards and accreditation program shall be recognized as qualified jurisdictions.

(iv) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(D) The commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the commissioner pursuant to rules and regulations. The commissioner shall publish a list of all certified reinsurers and their ratings.

(E) A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subsection at a level consistent with the certified reinsurer's rating, as specified in rules and regulations promulgated by the commissioner.

(i) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with the provisions of subsection (b), or in a multi-beneficiary trust in accordance with subsection (a)(4), except as otherwise provided in this subsection.

(ii) If a certified reinsurer maintains a trust to fully secure its obligations subject to subsection (a)(4), and chooses to secure its obligations incurred as a certified reinsurer in the form of a multi-beneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to subsection (a)(4). It shall be a condition to the grant of certification under subsection (a) (5) that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the commissioner who has principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, any deficiency of any other such trust account out of the remaining surplus of the terminated trust account.

(iii) The minimum trusteed surplus requirements provided in subsection (a)(4) are not applicable with respect to a multi-beneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this subsection, except that such trust shall maintain a minimum trusteed surplus of \$10,000,000.

(iv) With respect to obligations incurred by a certified reinsurer under this subsection, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and the commissioner has the discretion to impose further reductions in allowable credit upon finding there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(v) For purposes of this subsection, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100% of its obligations.

(a) As used in this paragraph, the term "terminated" includes revocation, suspension, voluntary surrender and inactive status.

(b) If the commissioner continues to assign a higher rating as permitted by other provisions of this subsection, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(F) If an assuming insurer applying for certification as a reinsurer in this state has been certified as a reinsurer in an another jurisdiction accredited by the national association of insurance commissioners, the commissioner has the discretion to defer to that jurisdiction's certification, and has the discretion to defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

(G) A certified reinsurer that ceases to assume new business in this state may request to maintain the reinsurer's certification in inactive status in order to continue to qualify for a reduction in amount of security required for the reinsurer's in force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(6) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that does not meet the requirements of subsections (a)(1) through (a)(5), but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

(7) If the assuming insurer is not licensed, accredited or certified to transact insurance or reinsurance in this state, the credit permitted by subsections (a)(3) and (a)(4) of this section shall not be allowed, unless the assuming insurer agrees in the reinsurance agreement to do all of the following:

(A) (i) In the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, will: Submit to the jurisdiction of any court of competent jurisdiction in any state of the United States; comply with all requirements necessary to give the court jurisdiction; and abide by the final decision of the court or of any appellate court in the event of an appeal; and

(ii) the assuming insurer will designate the commissioner or a designated attorney as its true and lawful attorney to receive lawful process in any action, suit or proceeding instituted by or on behalf of the ceding insurer.

(B) This subsection is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if the obligation is created in the agreement.

(8) If the assuming insurer does not meet the requirements of subsection (a)(1), (a)(2) or (a)(3), the credit permitted by subsection (a)(4) or (a)(5) shall not be allowed

unless the assuming insurer agrees in a trust agreement to the following conditions:

(A) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because the trust fund contains an amount less than the amount required by subsection (a)(4)(C), or if the grantor of the trust has been declared insolvent or has been placed into receivership, rehabilitation, liquidation or similar proceedings under the laws of the trust's state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer all of the assets of the trust fund to the commissioner with regulatory oversight over the trust.

(B) The assets shall be distributed and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

(C) If the commissioner with regulatory oversight over the trust determines that the assets of the trust fund or any part of the trust fund are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets of the trust or part of those assets shall be returned by the commissioner with regulatory oversight over the trust to the trustee for distribution in accordance with the trust agreement.

(D) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with the provisions of this subsection.

(9) Credit for reinsurance ceded to a certified reinsurer is limited to reinsurance contracts entered or renewed on or after the effective date of the certification of the assuming insurer by the commissioner.

(10) If an accredited or certified reinsurer ceases to meet the requirements of this section for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification.

(A) The commissioner shall give the reinsurer notice and opportunity for a hearing prior to such suspension or revocation. The suspension or revocation shall not take effect until after the commissioner's order on hearing, unless one of the following applies:

(i) The reinsurer waives its right to a hearing;

(ii) the commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or by the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subsection (a)(5)(F); or

(iii) the commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.

(B) While a reinsurer's accreditation or certification is suspended, a reinsurance contract issued or renewed after the effective date of the suspension does not qualify for credit, except to the extent that the reinsurer's obligations under the reinsurance contract are secured in accordance with subsection (b). If a reinsurer's accreditation or certification is revoked, credit for reinsurance shall not be granted after the effective date of the revocation, except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (a)(5)(A) or (a)(5)(B).

(11) (A) A domestic ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall

notify the commissioner within 30 days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds 50% of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(B) A domestic ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner within 30 days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than 20% of the ceding insurer's gross written premium in the prior calendar year, or after the domestic ceding insurer has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(b) An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of subsection (a) shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under the contract, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in subsection (c)(2). The security may be in the form of any of the following:

(1) Cash;

(2) a security listed by the securities valuation office of the national association of insurance commissioners, including those securities deemed exempt from filing as defined by the purposes and procedures manual of the national association of insurance commissioners investment analysis office, and qualifying as admitted assets;

(3) (A) clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in subsection (c)(1), effective no later than December 31 of the year for which the filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of the ceding insurer's annual statement; or

(B) a letter of credit meeting applicable standards of issuer acceptability as of the date of the letter of credit's issuance, or confirmation, shall, notwithstanding the issuing or confirming, institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs; or

(4) any other form of security acceptable to the commissioner.

(c) (1) For purposes of subsection (b)(3), a "qualified United States financial institution" means an institution that meets all of the following requirements:

(A) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(B) is regulated, supervised and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and

(C) has been determined by either the commissioner or the securities valuation

office of the national association of insurance commissioners to meet the standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

(2) For purposes of those provisions of this law specifying those institutions that are eligible to act as a fiduciary of a trust, a "qualified United States financial institution" means an institution that meets all of the following requirements:

(i) Is organized, or in the case of a United States branch or agency office of a foreign banking organization, is licensed under the laws of the United States or any state of the United States and has been granted authority to operate with fiduciary powers; and

(ii) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

(d) The commissioner is hereby authorized to adopt any rules and regulations necessary to implement the provisions of this law. Such rules and regulations shall be adopted no later than January 1, 2019.

(e) This section shall apply to all cessions under reinsurance contracts that occur on or after January 1, 2018.";

Also on page 14, following line 16; by inserting:

"Sec. 6. On and after January 1, 2018, K.S.A. 2016 Supp. 40-221a is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first semicolon; by striking lines 2 through 4; in line 5, by striking all before the semicolon and inserting "relating to the insurance holding company act; credit for reinsurance; exemption of certain service contracts from regulation as insurance"; also in line 5, after "40-201a" by inserting "and 40-221a"; in line 6, by striking "section" and inserting "sections";

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

JENE VICKREY

WILLIE DOVE

CINDY NEIGHBOR

Conferees on part of House

JEFF LONGBINE

RICK BILLINGER

LYNN ROGERS

Conferees on part of Senate

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 16**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Masterson, Pilcher-Cook, Pyle, Suellentrop.
Present and Passing: Longbine.
The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Julia Lynn in the chair.

On motion of Senator Hardy, the Senate adjourned until 10:00 a.m., Friday, May 5, 2017.

Journal of the Senate

SIXTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 5, 2017, 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, as we move into the weekend, and as more efforts go toward the tasks at hand, please give wisdom, guidance and resources.

And, nonetheless, we need discernment. We need the ability to discriminate between that which truly comes from You and that which is a counterfeit.

As we work in these halls to elevate Your people, there is an undertaking in our midst, designed to take us under. Sometimes we feel it in these halls. Sometimes we feel it in our communities. And, sometimes we feel it in our homes.

As a result, we're often tempted to listen to counterfeit wisdom; to heed faulty guidance and to grab for resources found in quicksand...resources that will pull us down. Where You provide butter, there's usually an offer of margarine.

The decisions we make are so important, that in 2 Timothy 2:1-5, You command people to pray for those of us in authority, so we all can prosper and live in peace.

So, Lord, as You honor the multitude of prayers being offered for all the servants in these halls, help us to discern and to experience Your wisdom, Your guidance and resources that come from Your hand.

For all of this, we praise You and shower blessings upon Your people. I thank You Lord for hearing and answering, in the Name of Jesus, Amen and Amen!

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 248, AN ACT concerning education; relating to the state board of education; creating the student opportunity scholarship program, by Committee on Assessment and Taxation.

MESSAGES FROM THE GOVERNOR

SB 112 approved on May 5, 2017.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff 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: **SB 89**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 89** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 11, following line 8, by inserting:

"New Sec. 4. There is hereby established in the state treasury the seat belt safety fund which shall be administered by the secretary of transportation. All expenditures of moneys in the seat belt safety fund shall be used for the purpose of promotion and education of occupant protection among children, including, but not limited to, programs in schools in Kansas and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of transportation or by a person or persons designated by the secretary of transportation. The secretary of transportation may accept all gifts, grants, donations and bequests to the fund. The secretary of transportation shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the seat belt safety fund.

New Sec. 5. On July 1, 2017, the director of accounts and reports shall transfer all moneys in the repossessed certificates of title fee fund to the division of vehicles operating fund. On July 1, 2017, all liabilities of the repossessed certificates of title fee fund are hereby transferred to and imposed on the division of vehicles operating fund, and the repossessed certificates of title fee fund is hereby abolished.

Sec. 6. K.S.A. 2016 Supp. 8-2504 is hereby amended to read as follows: 8-2504. (a) (1) Persons violating ~~subsection (a)(1) of K.S.A. 8-2503(a)(1), and amendments thereto, shall be fined \$5 and no court costs and, from and after July 1, 2011, persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10 \$30~~ and no court costs; and

(2) persons violating ~~subsection (a)(2) of K.S.A. 8-2503(a)(2), and amendments thereto, shall be fined \$60 and no court costs.~~

(b) No court shall report violation of this act to the department of revenue.

(c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(d) The provisions of this section shall be applicable and uniform throughout the state and no city, county, subdivision or local authority shall enact or enforce any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental

to, the provisions of this section.

Sec. 7. K.S.A. 2016 Supp. 12-4120 is hereby amended to read as follows: 12-4120.

(a) On and after July 1, 2012, the amount of \$250 from each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2016 Supp. 8-1025, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2016 Supp. 75-52,113, and amendments thereto.

(b) On and after July 1, 2013, the amount of \$2,500 from each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 2016 Supp. 21-6421, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the human trafficking victim assistance fund established by K.S.A. 2016 Supp. 75-758, and amendments thereto.

(c) On and after July 1, 2017, the amount of \$20 from each fine imposed for a violation of a city ordinance requiring the use of safety belts for those individuals required by K.S.A. 8-2503(a)(1), and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the seat belt safety fund established by section 4, and amendments thereto.

Sec. 8. K.S.A. 2016 Supp. 74-7336 is hereby amended to read as follows: 74-7336.

(a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit:

- (1) ~~10.94%~~10.7% to the crime victims compensation fund;
- (2) ~~2.24%~~2.19% to the crime victims assistance fund;
- (3) ~~2.75%~~2.69% to the community alcoholism and intoxication programs fund;
- (4) ~~7.65%~~7.48% to the department of corrections alcohol and drug abuse treatment fund;
- (5) 0.16% to the boating fee fund;
- (6) 0.11% to the children's advocacy center fund;
- (7) ~~2.28%~~2.23% to the EMS revolving fund;
- (8) ~~2.28%~~2.23% to the trauma fund;
- (9) ~~2.28%~~2.23% to the traffic records enhancement fund;
- (10) ~~4.4%~~4.31% to the criminal justice information system line fund; ~~and~~
- (11) ~~2.2%~~ to the seat belt safety fund; and
- (12) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.";

Also on page 11, in line 9, by striking the second "and" and inserting a comma; in line 10, after "145d" by inserting ", 8-2504, 12-4120 and 74-7336";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "use of safety belts, violations, distribution of revenues; establishing the seat belt safety fund;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "8-145d" by inserting ", 8-2504, 12-4120 and 74-7336";

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

RICHARD PROEHL
SHANNON FRANCIS
ADAM LUSKER

Conferees on part of House

MIKE PETERSEN
JOHN DOLL
PAT PETTEY

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 89**.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Haley, Holland, Pilcher-Cook, Pyle, Tyson, Wagle.

Present and Passing: Doll.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on CCR **SB 89**; primarily increasing the fines for not wearing a seat belt, either by the driver and/or passenger(s). Over the years in the Legislature I have, albeit often reluctantly, voted first to make not wearing a seat belt a secondary traffic offense then, later, a primary traffic offense despite my belief then (and now) that often a pretextual stop will ensue by law enforcement of what would otherwise be a flimsy or pretextual stop of a driver which is really motivated by "biased profiling"; racially or otherwise. (If the "thought-I-saw-a-busted-taillight" doesn't apply, the "didn't-see-your-seatbelt-harness-across-your-shoulder" excuse for pulling someone over might. And we know what population, Mr. Vice President, these pretextual, profiling stops MOST disaffect, don't we?) But, the public safety data is clear. Wearing a seat belt saves life and prevents greater injury in vehicle accidents to both driver and passenger. So, I voted for the previous measures. The data is in and clear on fine enhancement between the amount of the fine and general compliance. As in so many other examples of penalty enhancement(s), there is NO correlation between an increase of this fine and greater compliance. Zero. Accordingly, I see no reason to tax people with a fee increase which serves NO public utility whatsoever.—DAVID HALEY

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2132** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2132," as follows:

"Senate Substitute for HOUSE BILL No. 2132
By Committee on Federal and State Affairs

"AN ACT concerning port authorities; relating to the sale of property; amending K.S.A. 2016 Supp. 12-3412 and repealing the existing section."; and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2130** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2130," as follows:

"Senate Substitute for HOUSE BILL No. 2130
By Committee on Ways and Means

"AN ACT concerning health maintenance organizations; relating to privilege fees; rate; disposition of moneys; extending the medical assistance fee fund; amending K.S.A. 2016 Supp. 40-3213 and 40-3236 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2278** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2278," as follows:

"Senate Substitute for HOUSE BILL No. 2278
By Committee on Ways and Means

"AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed firearms in certain buildings; amending K.S.A. 2016 Supp. 75-7c20 and repealing the existing section."; and the substitute bill be passed.

HB 2407, as amended by House Committee, be amended on page 1, in line 20, by striking "or"; in line 21, by striking "70-701(d)" and inserting "71-701(d)"; also in line 21, after "thereto" by inserting ", or the department of transportation"; following line 21, by inserting:

"Sec. 2. (a) Subject to the provisions of K.S.A. 2016 Supp. 32-833, and amendments thereto, the secretary of wildlife, parks and tourism is hereby authorized to acquire by purchase the following tracts of land located in Sherman county, Kansas, more particularly described as:

(1) Tract A: The Southwest Quarter (SW $\frac{1}{4}$) of Section Three (3), Township Ten (10) South, Range Forty (40) West of the 6th P.M. in Sherman County, Kansas, LESS THE FOLLOWING DESCRIBED TRACT: Referring to the South Quarter (S $\frac{1}{4}$) corner of said Section 3, thence S89°48'57"W (assumed and all bearings relative to) along the South section line a distance of 47.00 feet to the Point of Beginning. Thence continuing along the South section line a distance of 434.67 feet to a point, thence N00°05'32"E a distance of 656.91 feet to a point, thence S89°03'30"E a distance of 440.02 feet to a point 41.70 feet West of the $\frac{1}{4}$ section line, thence S00°33'38"W a distance of 648.32 feet to the Point of Beginning. Said tract contains 6.55 acres, more or less.

(2) Tract B: The East Half (E $\frac{1}{2}$) of Section Nine (9), Township Ten (10) South, Range Forty (40) West of the 6th P.M., LESS THE FOLLOWING DESCRIBED TRACT: The South 440 feet of the Southeast Quarter (SE $\frac{1}{4}$) of Section Nine (9), Township Ten (10) South, Range Forty (40) West of the 6th P.M., Sherman County,

Kansas.

(3) Tract C: All of Section Ten (10), Township Ten (10) South, Range Forty (40) West of the 6th P.M., Sherman County, Kansas.

A total containing 1,078 acres more or less.

(b) Prior to payment for the purchase authorized by this section, the secretary of wildlife, parks and tourism shall determine that the requirements prescribed by K.S.A. 2016 Supp. 32-833, and amendments thereto, have been met.

(c) The provisions of K.S.A. 75-3043a and 75-3739, and amendments thereto, shall not apply to the acquisition authorized by this section or any contracts required therefor.

(d) In the event that the secretary of wildlife, parks and tourism determines that the legal description of the parcel described by this section is incorrect, the secretary of wildlife, parks and tourism may purchase the property utilizing the correct legal description.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after "administration" by inserting "; authorizing the department of wildlife, parks and tourism to purchase land in Sherman county"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 112 reported correctly enrolled, properly signed and presented to the Governor on May 4, 2017.

H Sub SB 101; SB 205 reported correctly enrolled, properly signed and presented to the Governor on May 5, 2017.

SR 1740, SR 1741, SR 1742, SR 1743, SR 1744 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 5, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 1-5, 2017:

Senator Bowers: congratulating Ottawa County Rural Water District #2 on its water quality award, congratulating Karen Kiser on receiving the Rural Water Association City Clerk Award, commending Melanie Cotton for receiving the Girl Scout Gold Award, commending Emily Lowe for receiving the Girl Scout Gold Award, commending Captain Steve Wells for his service to the Russell City Fire Department and receiving the award for outstanding leadership, congratulating Amber Whitmer on being named the Russell City Fire Department Firefighter of the Year, congratulating the City of Plainville for winning the LKM Hometown Showdown, congratulating Stan VanMeter on being named the Kansas Rural Water Association Operator of the Year; and

Senator Schmidt, Senator Kelly, and Senator Hensley: congratulating Gregg Ratzloff on his retirement and commending his commitment to education in Kansas.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, May 8, 2017.

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 8, 2017, 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, Creator and Sustainer, thank You for the beginning of another week. Help us to gain fresh awareness of Your presence in our midst, Your persistence in our governance and Your passion on our behalf. Show us Your will in all our situations.

We can't see You with our natural eye. But Lord, open our spiritual eyes and let us see continuing evidence of Your presence, persistence and passion.

Give us eyes to see like the ruler in Jerusalem. In Ecclesiastes 1:12-14, with all his wisdom, he came to see that everything that is under the sun and only earthly, in its perspective, void of an eternal focus, is finally as disappointing as chasing after the wind.

In Phillipians 3:14, You revealed to Paul, that in spite of his tremendous education, upbringing and status in the community, he needed to see beyond all of that. Since all in this life eventually fades away, You led him to prioritize a consistent press toward the higher calling...a calling that would ultimately be rewarded by You in eternity.

So Lord, as we struggle down here, working to improve things, help us to be looking beyond the immediate.

As it says in 2 Corinthians 4:18, help us look beyond the troubles we can see now, and fix our gaze on things that cannot be seen. For the things we see now will soon be gone, but the things we cannot see will last forever.

Give us Your perspective in everything we do. I'm asking all this in the precious Name of Jesus. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 249, AN ACT concerning property tax; relating to property valuation of grain elevator facilities, deviation from appraisal guides; amending K.S.A. 2016 Supp. 79-1456 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Education: **SB 248**.

CHANGE OF REFERENCE

The President withdrew **HB 2076**, **HB 2203** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Transportation**.

The President withdrew **HB 2013**, **HB 2256**, **HB 2333** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Ethics, Elections and Local Government**.

The President withdrew **HB 2268** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **HB 2069**, **HB 2071**, **HB 2126**; **S Sub HB 2197**; **HB 2234**, **HB 2240** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2085**.

The House adopts the Conference Committee report on **HB 2301**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1745—

A RESOLUTION commemorating the 80th anniversary of the
American System of Conservation Funding.

WHEREAS, More than a century ago, hunters, anglers and trappers were among the first conservationists to realize that America's natural resources were in peril and such resources could not sustain unregulated harvest and habitat destruction; and

WHEREAS, Hunters, anglers and trappers took it upon themselves to support laws that stopped excessive harvest of fish and wildlife, established game and fish agencies to protect fish, wildlife and their habitats, and supported fishing and hunting license fees to help fund the new agencies' efforts to provide healthy natural resources for future generations; and

WHEREAS, Upon realizing that license fees alone were insufficient to restore and sustain healthy fish and wildlife populations, hunters, anglers and trappers supported excise taxes on firearms, ammunition, archery equipment, hunting equipment and fishing equipment to raise additional funds to support restoration and enhance the efforts of state wildlife agencies; and

WHEREAS, This "user-pays, public-benefits" system became known as the Wildlife and Sport Fish Restoration Program, which began with the passage of the Federal Aid in Wildlife Restoration Act in 1937, was bolstered by the passage of the Federal Aid in Sport Fish Restoration Act in 1950, and was further expanded by the Wallop-Breaux amendment to the Sport Fish Restoration Act in 1984; and

WHEREAS, The Wildlife and Sport Fish Restoration Program also permanently linked revenue from hunting and fishing licenses to conservation, which created the American System of Conservation Funding as it exists today; and

WHEREAS, Since 1939, the combined contribution of the American System of Conservation Funding to state fish and wildlife agencies has exceeded \$57 billion – more than any other single conservation effort in United States history; and

WHEREAS, The manufacturers of firearms, ammunition, hunting, fishing and boating equipment have collected excise taxes on firearms, ammunition, archery equipment, manufactured fishing tackle, electric trolling motors, marine electronics and motorboat fuel, and distributed these funds to the states through the United States Fish and Wildlife Service; and

WHEREAS, This cooperative partnership between industry, hunters, anglers, trappers, boaters, recreational shooters, the United States Fish and Wildlife Service and state natural resource agencies has resulted in the most successful model of fish and wildlife management in the world, restoring species populations from coast to coast and in Alaska and Hawaii: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize America's hunters, anglers, trappers, boaters, recreational shooters, equipment manufacturers, state fish and wildlife agencies and the United States Fish and Wildlife Service for their role in restoring healthy populations of fish, wildlife, and other natural resources, both game and non-game, to the abundance we see today through the American System of Conservation Funding, on this, the 80th anniversary year of America's greatest conservation story; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Kansas Department of Wildlife, Parks and Tourism and all Kansas Congressional offices so that all may know and appreciate the foresight and contributions from anglers, hunters, trappers, recreational shooters, equipment manufacturers, state fish and wildlife agencies and the United States Fish and Wildlife Service on behalf of our nation's natural resources.

On emergency motion of Senator Petersen **SR 1745** was adopted by voice vote.

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: **H Sub SB 42**.

CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 42** 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. 42, as follows:

On page 1, following line 14, by inserting:

"New Section 1. The state board of education shall:

(a) Implement statewide standards that assure all public school teachers annually receive training and education on identifying likely warning signs indicating that a child may be a victim of sexual abuse;

(b) review and consider statewide social and emotional standards for student education that inform students of the difference between appropriate and inappropriate conduct, actions a child may take to be protected from child sexual abuse and methods for reporting any instance of abuse. The review may include, but not necessarily be limited to:

(1) The age of the students to receive the instruction;

(2) requirements for parental notification and the ability for a parent to exclude a child from such instruction;

(3) best practices in instructional content and delivery methods to achieve desired educational outcome; and

(4) collaboration with subject matter experts and child advocates; and

(c) submit a report of progress and any plan or standards developed with regard to those items listed in subsections (a) and (b) by February 1, 2018, to the legislature.";

On page 4, in line 10, by striking "or" and inserting "and"; in line 11, by striking all after "(B)"; in line 12, by striking "(2)"; in line 13, before the period, by inserting "; or

(2) has absconded from supervision";

On page 23, following line 20, by inserting:

"Sec. 13. K.S.A. 2016 Supp. 38-2398 is hereby amended to read as follows: 38-2398. (a) For purposes of determining release of a juvenile from probation, the supreme court, in consultation with the department of corrections, shall establish rules for a system of earned discharge for juvenile probationers to be applied by all community supervision officers. A probationer shall be awarded earned discharge credits while on probation for each full calendar month of compliance with terms of supervised probation pursuant to the rules developed by the supreme court.

(b) The state of Kansas, the secretary of corrections, the secretary's agents or employees, the office of judicial administration and court services officers shall not be liable for damages caused by any negligent or wrongful act or omission in making the earned discharge credit calculations authorized by this section.";

On page 30, in line 12, by striking the first comma and inserting "and"; in line 14, after the fourth comma by inserting "38-2398,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "training and instruction about child sexual abuse"; in line 9, by striking the first comma and inserting "and"; in line 11, after the second comma by inserting "38-2398,";

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

The motion of Senator Wilborn to not adopt the conference committee report on **H Sub SB 42** and appoint new conferees prevailed.

The President appointed Senators Wilborn, Lynn and Haley as second conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2386** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2386," as follows:

"Senate Substitute for HOUSE BILL No. 2386

By Committee on Federal and State Affairs

"AN ACT concerning gaming; relating to the Kansas expanded lottery act; making and concerning appropriations for the fiscal year ending June 30, 2018, for the Kansas lottery; relating to the state debtor setoff program; relating to horse and greyhound racing; amending K.S.A. 74-8836 and K.S.A. 2016 Supp. 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2409** 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 **HB 2002** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2002," as follows:

"Senate Substitute for HOUSE BILL No. 2002

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 12-1775a, 68-2320, 74-4914d and 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052 and repealing the existing sections; also repealing section 161 of 2017 Substitute for Senate Bill No. 189, section 162 of 2017 Substitute for Senate Bill No. 189, and K.S.A. 2016 Supp. 2-223, as amended by section 212 of 2017 Substitute for Senate Bill 189.";

And the substitute bill be passed.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 9, 2017.

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 9, 2017, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Estes was excused.

Invocation by Reverend Cecil T. Washington:

Dear God, Creator of Heaven and earth, how should we pray to You? What should we say? What should be our attitude? Impressed with Jesus' ability to appeal to You, in Matthew 6 and Luke 11, the disciples asked Him, teach us how to do it. We humbly come to You this morning with those same words...

“Our Father, which art in heaven, Hallowed be Thy name.

Thy kingdom come. Thy will be done, on earth, as it is in heaven.

Give us this day our daily bread.

And forgive us our debts, as we forgive our debtors.

And lead us not into temptation, but deliver us from evil.

For Thine is the kingdom, and the power and the glory, forever. 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 249**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 40**.

The House accedes to the request of the Senate for a conference on **H Sub SB 42** and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

CHANGE OF REFERENCE

An objection having been made to **HB 2409** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

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 2054**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2041** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 6, in line 5, after "(c)" by inserting "(1) Prior to July 1, 2018,"; following line 23, by inserting:

"(2) On and after July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments thereto.";

Also on page 6, in line 31, by striking all after the period; by striking all in lines 32 through 41;

On page 38, following line 38, by inserting:

"Sec. 24. K.S.A. 2016 Supp. 20-1a15 is hereby amended to read as follows: 20-1a15. (a) There is hereby established in the state treasury the judicial branch nonjudicial salary adjustment fund.

(b) All moneys credited to the judicial branch nonjudicial salary adjustment fund shall be used for compensation of nonjudicial officers and employees of the district courts, court of appeals and the supreme court and shall not be expended for compensation of judges or justices of the judicial branch. ~~Moneys in the fund shall be~~

~~used only to pay for that portion of the cost of salaries and wages of nonjudicial personnel of the judicial branch, including associated employer contributions, which shall not exceed the difference between the amount of expenditures that would be required under the judicial branch pay plan for nonjudicial personnel in effect prior to the effective date of this act and the amount of expenditures required under the judicial branch pay plan for nonjudicial personnel after the cost of living adjustments and the adjustments for upgrades in pay rates for nonjudicial personnel approved by the chief justice of the Kansas supreme court for fiscal year 2015. For fiscal years commencing on and after June 30, 2016, moneys in such fund shall be used only for the amount attributable to maintenance of the judicial branch pay plan for nonjudicial personnel for such adjustments and upgrades approved by the chief justice of the supreme court for fiscal year 2015.~~

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the judicial branch nonjudicial salary adjustment fund interest earnings based on:

(1) The average daily balance of moneys in the judicial branch nonjudicial salary adjustment fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the judicial branch nonjudicial salary adjustment fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.";

Also on page 38, in line 39, after the third comma by inserting "20-1a15,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "disposition of failure to comply with a traffic citation reinstatement fees;" in line 3, after the third comma by inserting "20-1a15,";

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2041**.

On roll call, the vote was: Yeas 23; Nays 15; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Fitzgerald, Givens, Goddard, Haley, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Petersen, Pilcher-Cook, Skubal, Sykes, Taylor, Wilborn.

Nays: Bollier, Faust-Goudeau, Hawk, Hensley, Holland, Kelly, McGinn, Olson, Pettey, Pyle, Rogers, V. Schmidt, Suellentrop, Tyson, Wagle.

Present and Passing: Francisco.

Absent or Not Voting: Estes.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I reluctantly vote “AYE” on the Conference Committee’s SECOND Report on **HB 2041** and AGAIN express my disapproval of legislative bundling of MULTIPLE, often conflicting, measures under a SINGLE number. Estimated at potentially \$10,000,000, the need to now extend authorization for judicial surcharges on different docket fees is mandatory to retain the fiscal continuity of our court system. As the only lawyer left in the Senate, I have to support our courts and all of us should. But come on, Mr. Vice-President. Hiking reinstatement fees on often hapless suspended motorists from \$59 to \$100 (ESPECIALLY when only \$75 will meet actual appropriations needs) is “highway robbery”; it’s government greed at its worst. Further, lifting the ceiling to 33% and codifying collection fees as a part of the underlying reinstatement fee is further extortion of the citizenry, in my opinion. But BOTH the legitimate need and the naked greed are STILL in this CCR of **HB 2041**; which the Senate actually sent back to conference for reevaluation before returning here, unchanged, for this vote now. I wouldn’t be the twenty-first vote to pass it. But I do join, again reluctantly, one of a greater than such required majority. —DAVID HALEY

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2054** 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 8, following line 32, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 48-3602 is hereby amended to read as follows: 48-3602. (a) The chief law enforcement executive for any law enforcement agency, ~~or~~ such executive's designee, the secretary of corrections or the secretary's designee may request assistance from a law enforcement agency or a department of corrections of another jurisdiction, including a jurisdiction located outside the state of Kansas, but within the United States.

(b) If a law enforcement officer makes an arrest or apprehension outside such officer's jurisdiction, the offender shall be delivered to the first available law enforcement officer who is commissioned in the jurisdiction in which the arrest was made. The officer making the initial arrest or apprehension shall assist in the preparation of any affidavits filed with the complaint or based on other evidence that there is probable cause to believe that both a crime has been committed and the defendant has committed such crime.

(c) For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political

subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency. The Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto, and the Kansas workers compensation act, K.S.A. 44-501 et seq., and amendments thereto, shall be interpreted consistent with the provisions of this section.

(d) Nothing in this section shall be construed to limit the actions of law enforcement officers or agencies conducted pursuant to K.S.A. 19-828, and amendments thereto.

(e) The provisions of article 24 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 21-5220 et seq., and amendments thereto, are applicable to any law enforcement officers from jurisdictions located outside the state of Kansas, but within the United States who are acting pursuant to a request made under this section.

(f) For purposes of this section, the term "law enforcement officer" shall have the same meaning as that term is defined by K.S.A. 74-5602, and amendments thereto, or a law enforcement officer who has obtained a similar designation to one described in K.S.A. 74-5602, and amendments thereto, in a jurisdiction outside the state of Kansas, but within the United States.

Sec. 3. K.S.A. 2016 Supp. 74-5605 is hereby amended to read as follows: 74-5605.

(a) Every applicant for certification shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; a manager or employee of the horsethief reservoir benefit district pursuant to K.S.A. 2016 Supp. 82a-2212, and amendments thereto; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 72-8222, and amendments thereto.

(b) Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant's appointing authority or agency head shall furnish to the director of police training and to the commission a statement certifying that the applicant has been found to meet the minimum requirements of certification established by this subsection. The commission may rely upon the statement of the appointing authority or agency head as evidence that the applicant meets the minimum requirements for certification to issue a provisional certification. Each applicant for certification shall meet the following minimum requirements:

- (1) Be a United States citizen;
- (2) have been fingerprinted and a search of local, state and national fingerprint files made to determine whether the applicant has a criminal record;
- (3) not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission;
- (4) have graduated from a high school accredited by the Kansas state board of education or the appropriate accrediting agency of another state jurisdiction or have obtained the equivalent of a high school education as defined by rules and regulations of the commission;

(5) be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer;

(6) have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;

(7) be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment; and

(8) be at least 21 years of age.

(c) The commission may deny a provisional or other certification upon a finding that the applicant has engaged in conduct for which a certificate may be revoked, suspended or otherwise disciplined as provided in K.S.A. 74-5616, and amendments thereto. When it appears that grounds for denial of a certification exist under this subsection, after a conditional offer of employment has been made to an applicant seeking appointment as a police officer or law enforcement officer, the applicant's appointing authority or agency head may request an order from the commission to determine whether a provisional certification will be issued to that applicant.

(d) As used in this section, "conviction" includes rendering of judgment by a military court martial pursuant to the uniform code of military justice, by a court of the United States or by a court of competent jurisdiction in any state, whether or not expunged; and any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations by the commission and any diversion agreement or deferred judgment entered into on or after July 1, 1995, for a felony.";

On page 11, following line 40, by inserting:

"Sec. 5. K.S.A. 75-3036 is hereby amended to read as follows: 75-3036. (a) The state general fund is exclusively defined as the fund into which shall be placed all public moneys and revenue coming into the state treasury not specifically authorized by the constitution or by statute to be placed in a separate fund, and not given or paid over to the state treasurer in trust for a particular purpose, which unallocated public moneys and revenue shall constitute the general fund of the state; ~~but~~ Moneys received or to be used under constitutional or statutory provisions or under the terms of a gift or payment for a particular and specific purpose are to be kept as separate funds and shall not be placed in the general fund or ever become a part of it; ~~except by proper statutory enactment, and~~

(b) The following funds shall be used for the purposes set forth in the statutes concerning such funds and for no other governmental purposes. It is the intent of the legislature that the following funds and the moneys deposited in such funds shall remain intact and inviolate for the purposes set forth in the statutes concerning such funds: Board of accountancy fee fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special litigation reserve fund of the board of accountancy; bank commissioner fee fund, K.S.A. 9-1703, 16a-2-302, 17-5610, 17-5701 and 75-1308, and amendments thereto, bank investigation fund, K.S.A. 9-1111b, and amendments thereto, consumer education settlement fund and litigation expense fund of the state bank commissioner;

securities act fee fund and investor education and protection fund, K.S.A. 17-12a601, and amendments thereto, of the office of the securities commissioner of Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto, of the state department of credit unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and amendments thereto, of the state fire marshal; food service inspection reimbursement fund, K.S.A. 36-512, and amendments thereto, of the Kansas department of agriculture; wage claims assignment fee fund, K.S.A. 44-324, and amendments thereto, and workmen's compensation fee fund, K.S.A. 74-715, and amendments thereto, of the department of labor; veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of the state board of veterinary examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments thereto, of the department of health and environment; conservation fee fund and well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609, 55-711 and 55-901, and amendments thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and amendments thereto, and public service regulation fund, K.S.A. 66-1503, and amendments thereto, of the state corporation commission; land survey fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical society; real estate recovery revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas real estate commission; appraiser fee fund, K.S.A. 58-4107, and amendments thereto, and appraisal management companies fee fund of the real estate appraisal board; amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and amendments thereto, of the state board of mortuary arts; board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-2704, and amendments thereto, of the Kansas state board of cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and medical records maintenance trust fund, of the state board of healing arts; other state fees fund, K.S.A. 2016 Supp. 65-4024b, and amendments thereto, of the Kansas department for aging and disability services; board of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing; dental board fee fund, K.S.A. 74-1405, and amendments thereto, and special litigation reserve fund, of the Kansas dental board; optometry fee fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation fund, of the board of examiners in optometry; state board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto, and state board of pharmacy litigation fund, of the state board of pharmacy; abstracters' fee fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of examiners; athletic fee fund, K.S.A. 2016 Supp. 74-50,188, and amendments thereto, of the department of commerce; hearing instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and hearing instrument litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments; commission on disability concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the governor's department; technical professions fee fund, K.S.A. 74-7009, and amendments thereto, and special litigation reserve fund of the state board of technical professions; behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and amendments thereto, of the behavioral sciences regulatory board; governmental ethics commission fee fund, K.S.A. 25-4119e, and amendments

thereto, of the governmental ethics commission; emergency medical services board operating fund, K.S.A. 75-1514, and amendments thereto, of the emergency medical services board; fire service training program fund, K.S.A. 75-1514, and amendments thereto, of the university of Kansas; uniform commercial code fee fund, K.S.A. 2016 Supp. 75-448, and amendments thereto, of the secretary of state; prairie spirit rails-to-trails fee fund of the Kansas department of wildlife, parks and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas water office; insurance department service regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance department; state fair special cash fund, K.S.A. 2-220, and amendments thereto, of the state fair board; scrap metal theft reduction fee fund, K.S.A. 2016 Supp. 50-6,109a, and amendments thereto; and any other fund in which fees are deposited for licensing, regulating or certifying a person, profession, commodity or product.

(c) If moneys received pursuant to statutory provisions for a specific purpose by a fee agency are proposed to be transferred to the state general fund or a special revenue fund to be expended for general government services and purposes in the governor's budget report submitted pursuant to K.S.A. 75-3721, and amendments thereto, or any introduced house or senate bill, the person or business entity who paid such moneys within the preceding 24-month period shall be notified by the fee agency within 30 days of such submission or introduction:

(1) By electronic means, if the fee agency has an electronic address on record for such person or business entity. If no such electronic address is available, the fee agency shall send written notice by first class mail; or

(2) any agency that receives fees from a tax, fee, charge or levy paid to the commissioner of insurance shall post the notification required by this subsection on such agency's website.

(d) Any such moneys which are wrongfully or by mistake placed in the general fund shall constitute a proper charge against such general fund; ~~Provided, That~~ All legislative appropriations which do not designate a specific fund from which they are to be paid shall be considered to be proper charges against the general fund of the state; ~~Provided further, That~~ All revenues received by the state of Kansas or any department, board, commission, or institution of the state of Kansas, and required to be paid into the state treasury shall be placed in and become a part of the state general fund, except as otherwise provided in this act by law.

(e) The provisions of this section shall not apply to the 10% credited to the state general fund to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, as provided in K.S.A. 75-3170a, and amendments thereto.

(f) Beginning on January 8, 2018, the director of the budget shall prepare a report listing the unencumbered balance of each fund in subsection (b) on June 30 of the previous fiscal year and January 1 of the current fiscal year. Such report shall be delivered to the secretary of the senate and the chief clerk of the house of representatives on or before the first day of the regular legislative session each year.

(g) As used in this section, "fee agency" shall include the state agencies specified in K.S.A. 75-3717(f), and amendments thereto, and any other state agency that collects fees for licensing, regulating or certifying a person, profession, commodity or product.;"

Also on page 11, in line 41, before "K.S.A." by inserting "K.S.A. 75-3036 and"; also in line 41, before "and" by inserting ", 48-3602 , 74-5605";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "requests for law enforcement assistance from jurisdictions located outside the state of Kansas; the Kansas law enforcement training act; qualifications of applicants for certification;"; in line 4, after the semicolon by inserting "transfer of fees; notification of such transfer;"; also in line 4, after "amending" by inserting "K.S.A. 75-3036 and"; in line 5, after "44-714" by inserting ", 48-3602, 74-5605";

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2054**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 1; Absent or Not Voting 1.

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

Nays: Hilderbrand, Tyson.

Present and Passing: Faust-Goudeau.

Absent or Not Voting: Estes.

The Conference Committee Report was adopted.

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.

POINT OF PERSONAL PRIVILEGE

Senator Fitzgerald rose on a Point of Personal Privilege to recognize Megan Ernzen, Madison Bowers, Grace Woods and Riley Faulk, Leavenworth County High School students whom have been instrumental in working with literacy causes for young children.

Also recognized was Melissa LaGree, Leavenworth County Civic Leader of the Year. Senators honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

The Committee on **Assessment and Taxation** recommends **SB 97** be amended by substituting a new bill as recommended by the Senate Committee on Assessment and Taxation as reported in the Journal of the Senate on February 8, 2017, and the substitute bill be further amended on page 1, by striking all in lines 9 through 34;

On page 2, in line 23, by striking "years" and inserting "year"; also in line 23, by striking " 2016 and 2017" and inserting "and all tax years thereafter";

On page 3, in line 9, by striking "years" and inserting "year"; also in line 9, by striking " 2016 and 2017" and inserting "and all tax years thereafter"; by striking all in lines 19 through 21;

On page 4, in line 5, by striking "years" and inserting "year"; also in line 5, by striking "and 2017" and inserting ", and all tax years thereafter"; in line 36, by striking "2016" and inserting "2017";

On page 5, in line 16, by striking all after "thereto"; by striking all in line 17; in line 18, by striking all before the period;

On page 6, in line 40, by striking "2017" and inserting "2018";

On page 7, in line 15, by striking "2017" and inserting "2018"; in line 23, by striking "2017" and inserting "2018"; in line 29, by striking "2017" and inserting "2018"; in line 34, by striking "2017" and inserting "2018";

On page 9, in line 43, by striking "2017" and inserting "2018";

On page 11, in line 6, by striking "2017" and inserting "2018"; in line 41, by striking "all"; also in line 41, after the second comma by inserting "and ending before January 1, 2018,";

On page 12, in line 14, by striking "all"; also in line 14, after the second comma by inserting "and ending before January 1, 2018,"; by striking all in lines 26 through 43;

By striking all on pages 13 through 34;

On page 35, by striking all in lines 1 through 6; following line 6, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in ~~subsection (b) of~~ 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. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 72-99a07, 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 ~~subsection (e) of 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. 2016 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto;

(iv) for all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code; and

(v) for all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under ~~paragraph (iv) of subsection (b) of 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) ~~of K.S.A. 79-32,138, and amendments thereto~~, and subtraction modifications as provided for in subsection (c)(iii) ~~of K.S.A. 79-32,138, and amendments thereto~~, as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.";

Also on page 35, in line 7, by striking all after "79-32,117"; in line 8, by striking all before "are" and inserting "and 79-32,138";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "amending"; in line 4, by striking all after "79-32,117"; in line 5, by

striking all before the second "and" and inserting "and 79-32,138"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 14, SB 16 reported correctly enrolled, properly signed and presented to the Governor on May 9, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 10, 2017.

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 10, 2017, 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 humble appreciation, we must acknowledge that there are no adjectives big enough, wide enough or deep enough to embrace Your being. There are no words to fully capture or enable us to apprehend the scope of Your being. **YOU ARE GOD!**

Your Word in Psalms 139:1-16, reveals that there's no place that any of us can hide from Your presence. You can't be outsmarted, outdone, outpaced or overwhelmed. You can't be caught off guard, overpowered, shocked, stunned or dumbfounded by anything. **YOU ARE GOD!**

And even though we are created by You, and our human understanding is vastly limited, You have given us an awareness that You are vastly unlimited.

You are unrestricted and unrestrained in all that You choose to do. So, thank You for choosing to reveal Yourself and even share with us, various qualities of Your being, along with the many blessings You provide.

Your mercies are new every day. Your compassion fails not and Your grace is sufficient for all our needs.

Keep us ever aware of Your loving kindness and save us from being a part of that group mentioned in Romans 1:18:32, where they refused to glorify You as God and were not thankful.

Help us to maintain a daily awareness and appreciation that **YOU ARE GOD!** In Jesus' Name, 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 250, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; excluding members of the legislature and other elected officials from membership; amending K.S.A. 74-4991 and K.S.A. 2016 Supp. 74-4902 and repealing the existing sections, by Committee on Federal and State Affairs.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2153**.

The House announces the appointment of Representatives Waymaster, Davis and

Wolfe Moore as conferees on **HB 2079** to replace Representatives Sloan, Rahjes and Victors.

On motion of Senator Denning, the Senate recessed until 3:00 p.m.

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 bill: **HB 2067**.

CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2067** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 22; following line 22, by inserting:

"Section 1. K.S.A. 2016 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$30,000	3.0% of Kansas taxable income
Over \$30,000	\$900 plus 4.9% of excess over \$30,000

(C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.8% of excess over \$30,000

Over \$15,000 but not over \$50,000	\$390\$427.50 plus 4.6% 4.9%
	of excess over \$15,000
Over \$50,000	\$2,142.50 plus 5.1% of excess
	over \$50,000

(F) For tax year 2018, and all tax years thereafter:

<u>If the taxable income is:</u>	<u>The tax is:</u>
Not over \$15,000	3% of Kansas taxable income
Over \$15,000 but not over \$50,000	\$450 plus 5.25% of excess
	over \$15,000
Over \$50,000	\$2,287.50 plus 5.6% of excess
	over \$50,000

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

- (1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and
- (2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;
- (B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and
- (C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in subsection (a)(2) hereof.

~~(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2016 Supp. 79-32,269, and amendments thereto.~~

~~(f) Notwithstanding the provisions of subsections (a) and (b); (1) For tax year years 2016, and all tax years thereafter and 2017, married individuals filing joint returns with taxable income of \$12,500 or less, and all other individuals with taxable income of \$5,000 or less, shall have a tax liability of zero; and (2) for tax year 2018, and all tax years thereafter, married individuals filing joint returns with taxable income of \$5,000 or less, and all other individuals with taxable income of \$2,500 or less, shall have a tax liability of zero.~~

(f) Any taxpayer whose withholding or estimated tax payments were based upon the rates as provided in subsection (a) as it appears on June 30, 2017, shall not be assessed penalties and interest arising from the underpayment of taxes due to changes to the rates in subsection (a) that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 2. K.S.A. 2016 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. 2016 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. 2016 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. 2016 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2016 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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. 2016 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp.

65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on

stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2016 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For ~~all~~ 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. 2016 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 ~~all~~ 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 ~~all~~ 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)(ix) 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 ~~all~~ 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) Any taxpayer who is in compliance with the provisions of this section as they appear on June 30, 2017, shall not 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 occurred prior to July 1, 2017, and is rectified on or before April 17, 2018.

Sec. 3. K.S.A. 2016 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(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) For the tax years commencing on and after 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) 100% 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.

(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. 2016 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. 4. K.S.A. 2016 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in ~~subsection (b) of~~ 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. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 72-99a07, 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 ~~subsection (c) of~~ 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. 2016 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto;

(iv) for all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code; and

(v) for all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under ~~paragraph (iv) of subsection (b) of 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) ~~of K.S.A. 79-32,138, and amendments thereto,~~ and subtraction modifications as provided for in subsection (c)(iii) ~~of K.S.A. 79-32,138, and amendments thereto,~~ as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

Sec. 5. K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,120, 79-32,138 and 79-32,269 are hereby repealed. ";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "income taxation; relating to determination of Kansas adjusted gross income, modifications, rates and itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269";

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

CARYN TYSON
DAN KERSCHEN
TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON
TOM PHILLIPS
TOM SAWYER

Conferees on part of House

The motion of Senator Tyson to adopt the conference committee report on **HB 2067** failed.

On roll call, the vote was: Yeas 18; Nays 22; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Francisco, Givens, Goddard, Hardy, Hawk, Kerschens, Longbine, McGinn, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Estes, Faust-Goudeau, Fitzgerald, Haley, Hensley, Hilderbrand, Holland, Kelly, Lynn, Masterson, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Tyson, Wagle, Wilborn.

The Conference Committee Report was not adopted

EXPLANATION OF VOTE

Madam President: I vote yes. Perfect can be the enemy of good. I had deeply hoped for better. **HB 2067** does not address school funding, yet it is the first bite...a first bite at fixing the structurally unbalanced budget due to the disastrous tax cut plan of 2012. This is an anguished vote for me. I realize the political reality we face. First, that we might get a better plan if we wait longer or secondly, that we have looked at much worse bills, and could look at even worse ones should **HB 2067** fail. I vote yes with the promise and the hope that we will take the second bite and truly pass an additional tax bill next week that will address an adequate school finance plan, and also eventually deal with our highways, our state water plan, our inadequate state employee salaries, and our underfunded court system. This bill is but a start—not perfect, maybe good, but definitely better.—TOM HAWK

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hawk on **HB 2067**.

CONSTITUTIONAL PROTEST

Protest of Senator Hensley

Against the Conference Committee Report for House Bill 2067

May 10, 2017

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest the Conference Committee Report for **House Bill 2067**.

On March 2, 2017, the Kansas Supreme Court affirmed the trial panel's decision that the public education financing system provided by the legislature for grades K-12 is constitutionally inadequate. While the Court provided no specific recommendations as to the structure or implementation of a new school finance system, it did place the

burden on the state to demonstrate that any new school financing system must be “reasonably calculated to address the constitutional violations” of the adequacy requirement while also satisfying the equity requirement.”

The legislature’s attorney has counseled both the House and Senate that the burden on the State to establish compliance with the Court’s ruling requires the legislature to “show its work.” This includes demonstrating the ability to fund any school finance formula passed by the legislature. Currently, **House Bill 2410** is the only school finance plan which has had a hearing and has been discussed in any meeting this legislative session. Assuming it were to become law, **House Bill 2410** would provide for \$150 million each year over five years.

The budget profile attached to this protest only includes funding for the first three years of the plan included in **House Bill 2410**. This profile clearly establishes that the Conference Committee Report for **House Bill 2067** falls well short of sustaining this school finance plan. In FY 2019, the state general fund would have a negative balance of \$173.8 million. In FY 2020, that shortfall grows to \$387.6 million. We have done the math and have shown our work. The Conference Committee Report for **House Bill 2067** doesn’t meet the constitutional requirements of the Gannon decision. This is in no way constitutional or acceptable for the school children of Kansas.—ANTHONY HENSLEY

State General Fund Profile FY 2017 - FY 2021
Senate Committee Action as of May 1, 2017
(Dollars in Millions)

	Actual FY 2016	Estimated FY 2017	Estimated FY 2018	Estimated FY 2019	KLRD FY 2020	KLRD FY 2021
Beginning Balance	\$ 71.5	\$ 37.1	\$ 50.0	\$ 67.9	\$ -	\$ -
Revenue						
Consensus Revenue Estimates	\$6,073.4	\$6,073.1	\$ 5,087.0	\$ 5,504.4	\$ 5,002.4	\$ 5,823.3
Revenue Adjustments						
Governor's Revenue Adjustments	\$ -	\$ 10.3	\$ 340.3	\$ 500.2	\$ 506.5	\$ 573.8
PMIB Loan / Repayment	-	234.4	82.9	-	-	-
HMO Premium Tax Extension	-	-	-	(72.5)	(70.1)	(70.9)
Additional Revenue	-	-	514.0	548.7	554.2	559.8
SB 189 (Mega Bill) Revenue Adjustments	-	-	(7.3)	(7.5)	(7.5)	(7.5)
Senate Omnibus Revenue Adjustments	-	(10.3)	(10.0)	(9.1)	(9.1)	(9.1)
Subtotal Revenue Adjustments	\$ -	\$ 234.4	\$ 919.9	\$ 1,018.8	\$ 1,027.9	\$ 1,037.1
Total Available Revenue	\$6,144.9	\$6,344.6	\$ 6,657.5	\$ 6,651.1	\$ 6,720.3	\$ 6,860.4
Expenditures						
Governor's Expenditure Recommendations	\$6,115.1	\$6,272.4	\$ 6,238.0	\$ 6,197.7	\$ 6,330.7	\$ 6,463.7
KPERS Changes	-	21.8	-	-	-	-
KPERS Layering	-	-	6.4	18.0	18.0	18.0
Additional Expenditures	-	-	150.0	300.0	450.0	459.0
SB 189 (Mega Bill) Expenditures	-	1.9	25.2	109.1	109.1	109.1
Senate Omnibus Adjustments	-	(1.4)	167.0	200.1	200.1	200.1
Total Adjusted Expenditures	\$6,115.1	\$6,294.6	\$ 6,589.6	\$ 6,824.9	\$ 7,107.9	\$ 7,249.9
Ending Balance	\$ 37.1	\$ 50.0	\$ 67.9	\$ (173.8)	\$ (387.6)	\$ (389.5)
<i>As Percentage of Expenditures</i>		0.6%	0.8%	1.0%	-2.5%	-5.4%
Prepared at the request and direction of Senator Tom Holland						Profile 17-066
Additional Revenue	\$ -	\$ -	\$ 514.0	\$ 548.7	\$ 554.2	\$ 559.8
SB 30			514.0	548.7	554.2	559.8
Additional Expenditures	\$ -	\$ -	\$ 150.0	\$ 300.0	\$ 450.0	\$ 459.0
Schools			150.0	300.0	450.0	459.0

Madam President: I vote AYE on the Conference Committee Report for **House Bill 2067**, but with a caveat: our work is not done. This is not a comprehensive plan. It does not solve our problems nor does it provide for a sustainable school finance plan. It is just the first step, but I believe it is a first step we should take. We can no longer balance our budget by borrowing and spending down reserves. As we are increasing income taxes, this proposal also eliminates the non-wage income “loophole”, repeals the future formulaic income tax reductions, establishes a third tier in the income tax rates and reduces the tax “cliff” created in 2012. There is more we could and should do. I do understand that in voting for this, I am committing to work to pass another plan to ensure that Kansas public schools are constitutionally funded. Knowing that this is a solid first step to solving our problems, I am willing to make that commitment.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2067**.

Madam President: I, like many in this room, was elected to repeal the Brownback experiment; an experiment which has left the economy of our state reeling. Today's budget bill does much that we know needs to be done: repeals the LLC exemption, removes the glide path to zero and returns our tax structure to three brackets. I have supported similar bills, but that was before the final Gannon Decision. That decision was a game changer and left no doubt as to what course we are to take. I was also elected to fund public education. This bill does not come close to meeting our constitutional duty because it does not fund education in a sustainable manner. It is a thinly veiled attempt to retain flat funding. The Supreme Court and the Kansas Constitution mandate adequate and sustainable funding. We are at the 86th day of the 2017 Legislative session and approximately the 680th day of the unconstitutional block grant education funding mechanism. Fifty one days remain to fix this problem. The clock is ticking on our self-imposed and now Court mandated deadline. A structural fix is not a fix if we do not fund education. I vote no on **HB 2067**.—LYNN ROGERS

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Rogers on **HB 2067**.

ORIGINAL MOTION

Having voted on the prevailing side on **HB 2067**, Senator Tyson moved the Senate reconsider its action on **HB 2067**. The motion carried.

Senator Tyson moved the Senate not adopt the Conference Committee Report on **HB 2067** and appoint a new conference. The motion prevailed.

The President appointed Senators Tyson, Kerschen and Holland as second conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **Substitute for HB 2277**, as amended by House Committee of the Whole, be passed.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, May 11, 2017.

Journal of the Senate

SIXTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 11, 2017, 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:

Almighty God, there's abundant knowledge in these halls, yet there's much we don't know. We have many strong points, yet we're weak. We win but yet we lose. We stand firm and then we crumble. We're sturdy, yet we're frail; able, but not. Sometimes rising, sometimes falling, sometimes up and sometimes down.

Our journey seems to be similar to the voyage of Paul and the 276 travelers in Acts 27:44. The ship they were traveling on had been battered and beaten, worn out by a storm. But they hung on to the wreckage. They clung to the broken pieces and safely reached their destination.

Lord, in a like manner, all of us are traveling on broken pieces. Promises have been made, but broken. Personal and professional relationships have been fractured. We're traveling on broken pieces.

Many of us can't run and jump like we used to...can't remember things like we used to. We're traveling on broken pieces.

But if You will be our Super Glue and hold tight, the pieces we have, then like Paul and those traveling with him, we're going to keep the faith and we're going to finish the course.

This I pray and declare it as so, in the 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:

Financial Institutions and Insurance: **SB 250**.

MESSAGES FROM THE GOVERNOR

H Sub SB 101; SB 205 approved on May 10, 2017.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **HB 2067** and has appointed Representatives Johnson, Phillips and Sawyer as second conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hardy, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hawk, Hilderbrand, Kerschen, Lynn, Petersen, Pettey, Rogers, Skubal, Sykes, Taylor and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1746—

A RESOLUTION commemorating the 100th anniversary
of city management in Kansas and designating June 18, 2017,
as 100th Anniversary of City Management in Kansas Day.

WHEREAS, On February 17, 1917, Kansas Governor Arthur Capper signed a bill that authorized the city manager form of government for Kansas cities; and

WHEREAS, On March 9, 1917, electors in Wichita and El Dorado voted to adopt the city manager form of government and hired their first city managers on June 18 and July 1, 1917, respectively; and

WHEREAS, Today, the city or county manager form of government has been adopted by voters in 73 Kansas cities and 2 counties, which serves 24% of the Kansas municipal population; and

WHEREAS, In addition to the city manager form of government, cities in Kansas have an additional 97 cities and 20 counties with professional administrators who serve over 67% of the Kansas municipal population; and

WHEREAS, The Kansas Association of City/County Management is the professional association that represents more than 192 local government administrators who serve Kansas cities and counties. These administrators promote strengthening the quality of local government through professional management; and

WHEREAS, The School of Public Affairs and Administration at the University of Kansas, the Hugo Wall School of Public Affairs at Wichita State University, and the Master of Public Administration program at Kansas State University prepare graduate students to work as professional city managers, city administrators, county managers and county administrators: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 100th anniversary of city management in Kansas, and we designate June 18, 2017, as 100th Anniversary of City Management in Kansas Day to show our admiration for professional city managers, city administrators, county managers and county administrators. We wish them continued success in the future; 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 1746** was adopted by voice vote.

Guests introduced were Doug Bock, Ron Fehr, Doug Gerber, Roger Holter, Lou Leone, Cherise Tieben, Michael Webb, Nickie Lee, Reginald Robinson, Ray Hummert and John Nalbandian.

Senators honored the guests with a standing ovation.

Senators McGinn, Faust-Goudeau, Kerschen, Masterson, Petersen, Rogers, Suellentrop and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1747—

A RESOLUTION honoring the life of M.S. "Mitch" Mitchell.

WHEREAS, M.S. "Mitch" Mitchell was born in 1923 in Tulsa, Oklahoma. He attended Texas Technological College and then Wichita State University, where he earned a degree in civil engineering; and

WHEREAS, Mr. Mitchell served the City of Wichita and Sedgwick County as the Flood Control and Maintenance Supervisor for the City-County Flood Control Office from 1958 to 1963, the Assistant Superintendent of Public Works and Maintenance, and Superintendent of Flood Control from 1964 to 1979; and

WHEREAS, Prior to the construction of the "Big Ditch," officially known as the Wichita-Valley Center Flood Control Project, Wichita faced a near-constant threat of severe floods when it rained in the spring, which caused people to consider how to minimize the damage caused by floods; and

WHEREAS, Mr. Mitchell was asked to help with the planning of the "Big Ditch," originally a six-week commitment, and was tasked with finding a location for the "Big Ditch"; and

WHEREAS, Despite repeated sabotage attempts and threats of physical violence, Mr. Mitchell persisted in his efforts to bring flood control to Wichita; and

WHEREAS, When the "Big Ditch" was finished in 1959, it was one of the largest water diversion projects in the nation at 18 miles long, with 50 miles of connecting channels, 100 miles of levees and 150 control structures; and

WHEREAS, Thanks to the efforts of "Big Ditch" Mitch, the flood fears in Wichita subsided: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the life of M.S. "Mitch" Mitchell, and we are grateful for the life he lived in service to his community; and

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

On emergency motion of Senator McGinn **SR 1747** was adopted by voice vote.

Guests introduced were Pat Mitchell, John McKay, Wes Galyon, Donna and Bob Aldreich.

Senators honored the guests with a standing ovation.

CHANGE OF CONFERENCE

Vice President Longbine announced the appointment of Senator Estes as a member of the Conference Committee on **HB 2313** to replace Senator LaTurner and also Senator Olson to replace Senator Estes.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 40; SB 149.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 40** 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. 40, as follows:

On page 2, in line 11, by striking the second "or" and inserting a comma; also in line 11, after the comma by inserting "section 3 or 21-6422,";

On page 3, in line 23, before "An" by inserting "On and after July 1, 2018,"; in line 28, by striking "2018" and inserting "2019";

On page 4, following line 6, by inserting:

"Sec. 6. K.S.A. 2016 Supp. 21-5301 is hereby amended to read as follows: 21-5301. (a) An attempt is any overt act toward the perpetration of a crime done by a person who intends to commit such crime but fails in the perpetration thereof or is prevented or intercepted in executing such crime.

(b) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed or the means employed or the act itself were such that the commission of the crime was not possible.

(c) (1) An attempt to commit an off-grid felony shall be ranked at nondrug severity level 1. An attempt to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for an attempt to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit the crime of:

(A) Aggravated human trafficking, as defined in ~~subsection (b)~~ of K.S.A. 2016 Supp. 21-5426**(b)**, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 2016 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 2016 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in ~~subsection (a)(3)~~ of K.S.A. 2016 Supp. 21-5503**(a)(3)**, and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in ~~subsection (b)(3)~~ of K.S.A. 2016 Supp. 21-5506**(b)(3)**, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in ~~subsection (b)(1) or (b)(2)~~ of K.S.A. 2016 Supp. 21-5504**(b)(1) or (2)**, and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim

is less than 14 years of age;

(H) sexual exploitation of a child, as defined in ~~subsection (a)(1) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5510 (a)(1) or (4), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(I) aggravated internet trading in child pornography, as defined in section 3(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; or

(J) capital murder, as defined in K.S.A. 2016 Supp. 21-5401, and amendments thereto.

(d) (1) An attempt to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit a violation of K.S.A. 2016 Supp. 21-5703, and amendments thereto.

(e) An attempt to commit a class A person misdemeanor is a class B person misdemeanor. An attempt to commit a class A nonperson misdemeanor is a class B nonperson misdemeanor.

(f) An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

Sec. 7. K.S.A. 2016 Supp. 21-5302 is hereby amended to read as follows: 21-5302.

(a) A conspiracy is an agreement with another person to commit a crime or to assist in committing a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.

(b) It is immaterial to the criminal liability of a person charged with conspiracy that any other person with whom the defendant conspired lacked the actual intent to commit the underlying crime provided that the defendant believed the other person did have the actual intent to commit the underlying crime.

(c) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person's co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.

(d) (1) Conspiracy to commit an off-grid felony shall be ranked at nondrug severity level 2. Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of conspiracy to commit the crime of:

(A) Aggravated human trafficking, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5426 (b), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 2016 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 2016 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in ~~subsection (a)(3) of~~ K.S.A. 2016 Supp. 21-5503 (a)(3), and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in ~~subsection (b)(3) of~~

K.S.A. 2016 Supp. 21-5506**(b)(3)**, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in ~~subsection (b)(1) or (b)(2) of~~ K.S.A. 2016 Supp. 21-5504**(b)(1) or (2)**, and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(H) sexual exploitation of a child, as defined in ~~subsection (a)(1) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5510**(a)(1) or (4)**, and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(I) aggravated internet trading in child pornography, as defined in section 3(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; or

(J) violations of the Kansas racketeer influenced and corrupt organization act, as described in K.S.A. 2016 Supp. 21-6329, and amendments thereto.

(e) Conspiracy to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(f) A conspiracy to commit a misdemeanor is a class C misdemeanor.

Sec. 8. K.S.A. 2016 Supp. 21-5303 is hereby amended to read as follows: 21-5303.

(a) Criminal solicitation is commanding, encouraging or requesting another person to commit a felony, attempt to commit a felony or aid and abet in the commission or attempted commission of a felony for the purpose of promoting or facilitating the felony.

(b) It is immaterial under subsection (a) that the actor fails to communicate with the person solicited to commit a felony if the person's conduct was designed to effect a communication.

(c) It is an affirmative defense that the actor, after soliciting another person to commit a felony, persuaded that person not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purposes.

(d) (1) Criminal solicitation to commit an off-grid felony shall be ranked at nondrug severity level 3. Criminal solicitation to commit any other nondrug felony shall be ranked on the nondrug scale at three severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for criminal solicitation to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of criminal solicitation to commit the crime of:

(A) Aggravated human trafficking, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5426**(b)**, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 2016 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 2016 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in ~~subsection (a)(3) of~~ K.S.A. 2016 Supp. 21-5503**(a)(3)**, and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in ~~subsection (b)(3) of~~ K.S.A. 2016 Supp. 21-5506**(b)(3)**, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in ~~subsection (b)(1) or (b)(2) of~~ K.S.A. 2016 Supp. 21-5504**(b)(1) or (2)**, and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age; ~~or~~

(H) sexual exploitation of a child, as defined in ~~subsection (a)(1) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5510**(a)(1) or (4)**, and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; or

(I) aggravated internet trading in child pornography, as defined in section 3(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age.

(e) Criminal solicitation to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

Sec. 9. K.S.A. 2016 Supp. 21-5401 is hereby amended to read as follows: 21-5401.

(a) Capital murder is the:

(1) intentional and premeditated killing of any person in the commission of kidnapping, as defined in ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5408**(a)**, and amendments thereto, or aggravated kidnapping, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5408**(b)**, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;

(2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;

(3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;

(4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 2016 Supp. 21-5503, and amendments thereto, criminal sodomy, as defined in ~~subsections (a) (3) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5504**(a)(3) or (4)**, and amendments thereto, or aggravated criminal sodomy, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5504**(b)**, and amendments thereto, or any attempt thereof, as defined in K.S.A. 2016 Supp. 21-5301, and amendments thereto;

(5) intentional and premeditated killing of a law enforcement officer;

(6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; or

(7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5408**(a)**, and amendments thereto, or aggravated kidnapping, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5408**(b)**, and amendments thereto, when the kidnapping or

aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.

(b) For purposes of this section, "sex offense" means: Rape, as defined in K.S.A. 2016 Supp. 21-5503, and amendments thereto; aggravated indecent liberties with a child, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5506**(b)**, and amendments thereto; aggravated criminal sodomy, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5504**(b)**, and amendments thereto; selling sexual relations, as defined in K.S.A. 2016 Supp. 21-6419, and amendments thereto; promoting the sale of sexual relations, as defined in K.S.A. 2016 Supp. 21-6420, and amendments thereto; commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto; ~~or~~; sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-5510, and amendments thereto; internet trading in child pornography, as defined in section 3(a), and amendments thereto; aggravated internet trading in child pornography, as defined in section 3(b), and amendments thereto; or aggravated human trafficking, as defined in K.S.A. 2016 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.

(c) Capital murder or attempt to commit capital murder is an off-grid person felony.

(d) The provisions of ~~subsection (e) of~~ K.S.A. 2016 Supp. 21-5301**(c)**, and amendments thereto, shall not apply to a violation of attempting to commit the crime of capital murder pursuant to this section.";

On page 6, following line 16, by inserting:

"Sec. 11. K.S.A. 2016 Supp. 21-5502 is hereby amended to read as follows: 21-5502. (a) The provisions of this section shall apply only in a prosecution for:

- (1) Rape, as defined in K.S.A. 2016 Supp. 21-5503, and amendments thereto;
- (2) indecent liberties with a child, as defined in ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5506**(a)**, and amendments thereto;
- (3) aggravated indecent liberties with a child, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5506**(b)**, and amendments thereto;
- (4) criminal sodomy, as defined in ~~subsections (a)(3) and (a)(4) of~~ K.S.A. 2016 Supp. 21-5504**(a)(3) and (4)**, and amendments thereto;
- (5) aggravated criminal sodomy, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5504**(b)**, and amendments thereto;
- (6) aggravated indecent solicitation of a child, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5508**(b)**, and amendments thereto;
- (7) sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-5510, and amendments thereto;
- (8) aggravated sexual battery, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5505**(b)**, and amendments thereto;
- (9) incest, as defined in ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5604**(a)**, and amendments thereto;
- (10) aggravated incest, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5604**(b)**, and amendments thereto;
- (11) indecent solicitation of a child, as defined in ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5508**(a)**, and amendments thereto;
- (12) aggravated assault, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5412**(b)**, and amendments thereto, with intent to commit any crime specified above;
- (13) sexual battery, as defined in ~~subsection (a) of~~ K.S.A. 2016 Supp. 21-5505**(a)**,

and amendments thereto;

(14) unlawful voluntary sexual relations, as defined in K.S.A. 2016 Supp. 21-5507, and amendments thereto;

(15) aggravated human trafficking, as defined in ~~subsections (b)(2) and (b)(4) of~~ K.S.A. 2016 Supp. 21-5426**(b)(2), (4) and (5)**, and amendments thereto;

(16) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto;

(17) electronic solicitation, as defined in K.S.A. 2016 Supp. 21-5509, and amendments thereto;~~or~~

(18) internet trading in child pornography, as defined in section 3(a), and amendments thereto;

(19) aggravated internet trading in child pornography, as defined in section 3(b), and amendments thereto; or

(20) attempt, as defined in K.S.A. 2016 Supp. 21-5301, and amendments thereto, or conspiracy, as defined in K.S.A. 2016 Supp. 21-5302, and amendments thereto, to commit any crime specified above.

(b) Except as provided in subsection (c), in any prosecution to which this section applies, evidence of the complaining witness' previous sexual conduct with any person including the defendant shall not be admissible, and no reference shall be made thereto in any proceeding before the court, except under the following conditions: The defendant shall make a written motion to the court to admit evidence or testimony concerning the previous sexual conduct of the complaining witness. The motion shall be made at least seven days before the commencement of the proceeding unless that requirement is waived by the court. The motion shall state the nature of such evidence or testimony and its relevancy and shall be accompanied by an affidavit in which an offer of proof of the previous sexual conduct of the complaining witness is stated. The motion, affidavits and any supporting or responding documents of the motion shall not be made available for examination without a written order of the court except that such motion, affidavits and supporting and responding documents or testimony when requested shall be made available to the defendant or the defendant's counsel and to the prosecutor. The defendant, defendant's counsel and prosecutor shall be prohibited from disclosing any matters relating to the motion, affidavits and any supporting or responding documents of the motion. The court shall conduct a hearing on the motion in camera. At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the previous sexual conduct of the complaining witness is relevant and is not otherwise inadmissible as evidence, the court may make an order stating what evidence may be introduced by the defendant and the nature of the questions to be permitted. The defendant may then offer evidence and question witnesses in accordance with the order of the court.

(c) In any prosecution for a crime designated in subsection (a), the prosecutor may introduce evidence concerning any previous sexual conduct of the complaining witness, and the complaining witness may testify as to any such previous sexual conduct. If such evidence or testimony is introduced, the defendant may cross-examine the witness who gives such testimony and offer relevant evidence limited specifically to the rebuttal of such evidence or testimony introduced by the prosecutor or given by the complaining witness.

(d) As used in this section, "complaining witness" means the alleged victim of any

crime designated in subsection (a), the prosecution of which is subject to this section.";

On page 10, following line 31, by inserting:

"Sec. 15. K.S.A. 2016 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2016 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2016 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and

amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2016 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2016 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2016 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2016 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

(7) internet trading in child pornography or aggravated internet trading in child pornography, as defined in section 3, and amendments thereto;

(8) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2016 Supp. 21-5604, and amendments thereto;

~~(9)~~(9) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2016 Supp. 21-5601, and amendments thereto;

~~(10)~~(10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2016 Supp. 21-5602, and amendments thereto;

~~(11)~~(11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2016 Supp. 21-5401, and amendments thereto;

~~(12)~~(12) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;

~~(13)~~(13) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments thereto;

~~(14)~~(14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;

~~(15)~~(15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2016 Supp. 21-5405, and amendments thereto;

~~(16)~~(16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2016 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

~~(17)~~(17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2016 Supp. 21-5505, and amendments thereto;

~~(18)~~(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

~~(19)~~(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, 2015, through June 30, 2017, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2016 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or

certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;~~or~~

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2016 Supp. 75-7c01 et seq., and amendments thereto;~~or~~

(L) for applications received on and after July 1, 2016, to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in K.S.A. 2016 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;
- (11) the Kansas sentencing commission;
- (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to:

(A) Carry a concealed weapon pursuant to the personal and family protection act;
or

(B) act as a bail enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6.141, and amendments thereto; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(m) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 16. K.S.A. 2016 Supp. 21-6626 is hereby amended to read as follows: 21-6626. (a) An aggravated habitual sex offender shall be sentenced to imprisonment for life without the possibility of parole. Such offender shall spend the remainder of the offender's natural life incarcerated and in the custody of the secretary of corrections. An offender who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for commutation of sentence, parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, functional incapacitation release pursuant to K.S.A. 22-3728, and amendments thereto, or suspension, modification or reduction of sentence.

(b) Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.

(c) As used in this section:

(1) "Aggravated habitual sex offender" means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, as described in subsection (c)(2)(A) through (c)(2)(J) or (c)(2)(L); and (B) prior to the conviction of the felony under subparagraph (A), has been convicted of two or more sexually violent crimes;

- (2) "Sexually violent crime" means:
- (A) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments thereto;
- (B) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2016 Supp. 21-5506, and amendments thereto;
- (C) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of K.S.A. 21-3505(a)(2) or (3),~~ prior to its repeal, or ~~subsection (a)(3) or (a)(4) of K.S.A. 2016 Supp. 21-5504(a)(3) or (4),~~ and amendments thereto;
- (D) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2016 Supp. 21-5504, and amendments thereto;
- (E) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2016 Supp. 21-5508, and amendments thereto;
- (F) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto;
- (G) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2016 Supp. 21-5505, and amendments thereto;
- (H) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2016 Supp. 21-5604, and amendments thereto;
- (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b) of K.S.A. 2016 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;
- (J) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto;
- (K) internet trading in child pornography or aggravated internet trading in child pornography, as defined in section 3, and amendments thereto;
- (L) any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;
- ~~(M)~~ (M) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section; or
- ~~(M)~~ (N) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "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.

Sec. 17. K.S.A. 2016 Supp. 21-6627 is hereby amended to read as follows: 21-6627. (a) (1) Except as provided in subsection (b) or (d), a defendant who is 18 years of age or older and is convicted of the following crimes committed on or after July 1, 2006, shall be sentenced to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 25 years unless the court determines that the defendant should be sentenced as determined in subsection (a)(2):

- (A) Aggravated human trafficking, as defined in ~~subsection (b) of K.S.A. 2016 Supp. 21-5426(b),~~ and amendments thereto, if the victim is less than 14 years of age;

(B) rape, as defined in ~~subsection (a)(3)~~ of K.S.A. 2016 Supp. 21-5503(a)(3), and amendments thereto;

(C) aggravated indecent liberties with a child, as defined in ~~subsection (b)(3)~~ of K.S.A. 2016 Supp. 21-5506(b)(3), and amendments thereto;

(D) aggravated criminal sodomy, as defined in ~~subsection (b)(1) or (b)(2)~~ of K.S.A. 2016 Supp. 21-5504(b)(1) or (2), and amendments thereto;

(E) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto, if the victim is less than 14 years of age;

(F) sexual exploitation of a child, as defined in ~~subsection (a)(1) or (a)(4)~~ of K.S.A. 2016 Supp. 21-5510(a)(1) or (4), and amendments thereto, if the child is less than 14 years of age; ~~and~~

(G) aggravated internet trading in child pornography, as defined in section 3(b), and amendments thereto, if the child is less than 14 years of age; and

(H) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2016 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined in subsections (a)(1)(A) through (a)(1)(F)(G).

(2) The provision of subsection (a)(1) requiring a mandatory minimum term of imprisonment of not less than 25 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2016 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(b) (1) On and after July 1, 2006, if a defendant who is 18 years of age or older is convicted of a crime listed in subsection (a)(1) and such defendant has previously been convicted of a crime listed in subsection (a)(1), a crime in effect at any time prior to July 1, 2011, which is substantially the same as a crime listed in subsection (a)(1) or a crime under a law of another jurisdiction which is substantially the same as a crime listed in subsection (a)(1), the court shall sentence the defendant to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 40 years. The provisions of this paragraph shall not apply to a crime committed under K.S.A. 2016 Supp. 21-5507, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as K.S.A. 2016 Supp. 21-5507, and amendments thereto.

(2) The provision of subsection (b)(1) requiring a mandatory minimum term of imprisonment of not less than 40 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2016 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 480 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(c) When a person is sentenced pursuant to subsection (a) or (b), such person shall be sentenced to a mandatory minimum term of imprisonment of not less than 25 years,

40 years or be sentenced as determined in subsection (a)(2) or subsection (b)(2), whichever is applicable, and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving such mandatory term of imprisonment, and such imprisonment shall not be reduced by the application of good time credits.

(d) (1) On or after July 1, 2006, for a first time conviction of an offense listed in subsection (a)(1), the sentencing judge shall impose the mandatory minimum term of imprisonment provided by subsection (a), unless the judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose a departure. If the sentencing judge departs from such mandatory minimum term of imprisonment, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. The departure sentence shall be the sentence pursuant to the revised Kansas sentencing guidelines act, article 68 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and, subject to the provisions of K.S.A. 2016 Supp. 21-6818, and amendments thereto, no sentence of a mandatory minimum term of imprisonment shall be imposed hereunder.

(2) As used in this subsection, "mitigating circumstances" shall include, but are not limited to, the following:

- (A) The defendant has no significant history of prior criminal activity;
- (B) the crime was committed while the defendant was under the influence of extreme mental or emotional disturbances;
- (C) the victim was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor;
- (D) the defendant acted under extreme distress or under the substantial domination of another person;
- (E) the capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of law was substantially impaired; and
- (F) the age of the defendant at the time of the crime.

(e) The provisions of K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, shall not apply to any defendant sentenced pursuant to this section.

Sec. 18. K.S.A. 2016 Supp. 21-6806 is hereby amended to read as follows: 21-6806. (a) Sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of the primary sentence for good time as authorized by K.S.A. 2016 Supp. 21-6821, and amendments thereto.

(b) The sentencing court shall pronounce sentence in all felony cases.

(c) Violations of K.S.A. 2016 Supp. 21-5401, 21-5402, 21-5421, 21-5422 and 21-5901, and amendments thereto, are off-grid crimes for the purpose of sentencing. Except as otherwise provided by K.S.A. 2016 Supp. 21-6617, 21-6618, 21-6619, 21-6622, 21-6624, 21-6625, 21-6628 and 21-6629, and amendments thereto, the sentence shall be imprisonment for life and shall not be subject to statutory provisions for suspended sentence, community service or probation.

(d) As identified in K.S.A. 2016 Supp. 21-5426, 21-5503, 21-5504, 21-5506, 21-5510, section 3 and 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is under 14 years of age, such violations are off-grid crimes for

the purposes of sentencing. Except as provided in K.S.A. 2016 Supp. 21-6626, and amendments thereto, the sentence shall be imprisonment for life pursuant to K.S.A. 2016 Supp. 21-6627, and amendments thereto.

Sec. 19. K.S.A. 2016 Supp. 22-3601 is hereby amended to read as follows: 22-3601. (a) Any appeal permitted to be taken from a district court's final judgment in a criminal case shall be taken to the court of appeals, except in those cases reviewable by law in the district court or in which a direct appeal to the supreme court is required. Whenever an interlocutory appeal is permitted in a criminal case in the district court, such appeal shall be taken to the court of appeals.

(b) Any appeal permitted to be taken from a district court's final judgment in a criminal case shall be taken directly to the supreme court in the following cases:

(1) Any case in which a statute of this state or of the United States has been held unconstitutional;

(2) any case in which the defendant has been convicted of a class A felony;

(3) any case in which a maximum sentence of life imprisonment has been imposed, unless the maximum sentence has been imposed pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments thereto; and

(4) except as provided further, any case in which the crime was committed on or after July 1, 1993, and the defendant has been convicted of an off-grid crime. The provisions of this paragraph shall not apply to any case in which the off-grid crime was:

(A) Aggravated human trafficking, ~~subsection (c)(2)(B) of~~ K.S.A. 2016 Supp. 21-5426(c)(3), and amendments thereto;

(B) rape, ~~subsection (b)(2)(B) of~~ K.S.A. 2016 Supp. 21-5503(b)(2)(B), and amendments thereto;

(C) aggravated criminal sodomy, ~~subsection (c)(2)(B)(ii) of~~ K.S.A. 2016 Supp. 21-5504(c)(2)(B)(ii), and amendments thereto;

(D) aggravated indecent liberties with a child, ~~subsection (c)(2)(C)(ii) of~~ K.S.A. 2016 Supp. 21-5506(c)(2)(C)(ii), and amendments thereto;

(E) sexual exploitation of a child, ~~subsection (b)(2)(B) of~~ K.S.A. 2016 Supp. 21-5510(b)(2)(B), and amendments thereto;

(F) aggravated internet trading in child pornography, section 3(c)(3), and amendments thereto;

(G) commercial sexual exploitation of a child, subsection (b)(2) of K.S.A. 2016 Supp. 21-6422(b)(2), and amendments thereto; or

~~(G)~~ (H) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2016 Supp. 21-5301, 21-5302 or ~~21-5303~~ 21-5303, and amendments thereto, of any such felony.

Sec. 20. K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or

after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated crime in which the offender has been ordered to register pursuant to 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. 2016 Supp. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 Supp. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 2016 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. 2016 Supp. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to 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.

(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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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. 2016 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 2016 Supp. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 2016 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. 2016 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 section 3(a), and amendments thereto;

(M) aggravated internet trading in child pornography, as defined in section 3(b), and amendments thereto;

(N) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto; or

~~(M)~~ (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. 2016 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 would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or

postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances which would render payment unworkable;

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to 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 sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the

county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2016 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. 2016 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. 2016 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.";

On page 22, in line 32, after the semicolon by inserting "section 3(a), and amendments thereto, internet trading in child pornography; section 3(b), and amendments thereto, aggravated internet trading in child pornography;"

On page 28, in line 19, after the first comma by inserting "21-5301, 21-5302, 21-5303, 21-5401,"; also in line 19, after the second comma by inserting "21-5502,"; in line 20, after the first comma by inserting "21-6614, 21-6614g, 21-6614h, 21-6626, 21-6627, 21-6806, 22-3601, 22-3717,";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, after the first comma by inserting "21-5301, 21-5302, 21-5303, 21-5401,"; also in line 8, after the second comma by inserting "21-5502,"; in line 9, after the third comma by inserting "21-6614, 21-6626, 21-6627, 21-6806, 22-3601, 22-3717,"; in line 10, after "sections" by inserting "; also repealing K.S.A. 2016 Supp. 21-6614g and 21-6614h";

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

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **H Sub SB 40**.

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

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

Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 149** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 7, before "Section" by inserting "New"; in line 14 before "Sec." by inserting "New";

On page 2, following line 20, by inserting:

"New Sec. 3. (a) On and after the effective date of this act, all of the powers, duties, functions, records and property of the office of the inspector general within the department of health and environment are hereby transferred to the office of inspector general within the office of the attorney general, except as is otherwise provided.

(b) (1) The office of inspector general within the office of the attorney general shall be the successor in every way of the powers, duties and functions of the office of the inspector general within the department of health and environment in which the same were vested prior to the effective date of this act, except as otherwise provided.

(2) Whenever the office of the inspector general within the department of health and environment, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the office of inspector general within the office of the attorney general.

(3) All orders or directives of the office of the inspector general within the department of health and environment in existence on the effective date of this act shall continue to be effective and shall be deemed to be the orders or directives of the office of inspector general within the office of the attorney general, until revised, amended, repealed or nullified pursuant to law.

(c) On the effective date of this act, all unexpended balances of appropriations of the office of the inspector general within the department of health and environment shall be transferred to the office of the attorney general to be used by the office of inspector general within the office of the attorney general to carry out the powers, duties and functions transferred to the office of the inspector general within the office of the attorney general by the provisions of this act.

(d) (1) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any existing state agency mentioned in this act, or by or against any officer of the state in the officer's official capacity or in relation to the discharge of the officer's official duties, shall abate by reason of the taking effect of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such existing state agency, or any officer affected.

(2) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

(e) Whenever any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolishment,

transfer, attachment or other change made by this act, or under authority of this act, the conflict shall be resolved by the governor and such decision of the governor shall be final.

Sec. 4. K.S.A. 2016 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) Before ~~July~~ January 1, ~~2016~~ 2019, 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. 2016 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) The information required by K.S.A. 2016 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. 5. K.S.A. 2016 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 take effect on and after January 1, 2016. This section shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.~~

Sec. 6. K.S.A. 2016 Supp. 50-6,110 is hereby amended to read as follows: 50-6,110. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

(1) Such person shall present to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following: The seller's name, address, sex, date of birth and the seller's driver's license, military identification card, passport or personal identification license. An official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller.

(2) Such person shall complete and sign the statement provided for in subsection (b)(10).

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

(1) The time, date and place of transaction;

(2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;

(3) a copy of the identification card or document containing such identifying number. Failure to comply with the provisions of this paragraph between the effective date of this act and January 1, 2019, 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 ~~both the seller and~~ the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between the effective date of this act and January 1, 2019, 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. 2016 Supp. 50-6,109a, and amendments thereto.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.

Sec. 7. K.S.A. 2016 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. 2016 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. 2016 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. 2016 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

(1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and

(2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;

- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part;
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

(f) Failure to comply with the provisions of this section between the effective date of this act and January 1, 2019, 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. K.S.A. 2016 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. 2016 Supp. 21-5801 through 21-5839 or K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury,

K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 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. 2016 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2016 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$500 nor more than \$1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) If an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than \$1,500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.

Sec. 9. K.S.A. 2016 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. 2016 Supp. 21-5801 through 21-5839 or K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 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. 2016 Supp. 21-5904 and amendments thereto; interference with judicial process, K.S.A. 2016 Supp. 21-5905 and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least $\frac{3}{4}$ of the period for which the license is to be issued.

(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.

Sec. 10. K.S.A. 2016 Supp. 75-7427 is hereby amended to read as follows: 75-

7427. (a) As used in this section:

(1) "Attorney general" means the attorney general of the state of Kansas, employees of the attorney general or authorized representatives of the attorney general.

(2) "Benefit" means the receipt of money, goods, items, facilities, accommodations or anything of pecuniary value.

(3) "Claim" means an electronic, electronic impulse, facsimile, magnetic, oral, telephonic or written communication that is utilized to identify any goods, service, item, facility or accommodation as reimbursable to the state medicaid program, or its fiscal agents, the state mediKan program or the state children's health insurance program or which states income or expense.

(4) "Client" means past or present beneficiaries or recipients of the state medicaid program, the state mediKan program or the state children's health insurance program.

(5) "Contractor" means any contractor, supplier, vendor or other person who, through a contract or other arrangement, has received, is to receive or is receiving public funds or in-kind contributions from the contracting agency as part of the state medicaid program, the state mediKan program or the state children's health insurance program, and shall include any sub-contractor.

(6) "Contractor files" means those records of contractors which relate to the state medicaid program, the state mediKan program or the state children's health insurance program.

(7) "Fiscal agent" means any corporation, firm, individual, organization, partnership, professional association or other legal entity which, through a contractual relationship with the state of Kansas receives, processes and pays claims under the state medicaid program, the state mediKan program or the state children's health insurance program.

(8) "Health care provider" means a health care provider as defined under K.S.A. 65-4921, and amendments thereto, who has applied to participate in, who currently participates in, or who has previously participated in the state medicaid program, the state mediKan program or the state children's health insurance program.

~~(9) "Department" means the department of health and environment, or its successor agency.~~

~~(10)~~ (11) "Managed care program" means a program which provides coordination, direction and provision of health services to an identified group of individuals by providers, agencies or organizations.

~~(11)~~(10) "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.

~~(12)~~(11) "Person" means any agency, association, corporation, firm, limited liability company, limited liability partnership, natural person, organization, partnership or other legal entity, the agents, employees, independent contractors, and subcontractors, thereof, and the legal successors thereto.

~~(13)~~(12) "Provider" means a person who has applied to participate in, who currently participates in, who has previously participated in, who attempts or has attempted to participate in the state medicaid program, the state mediKan program or the state children's health insurance program, by providing or claiming to have provided goods, services, items, facilities or accommodations.

(14)(13) "Recipient" means an individual, either real or fictitious, in whose behalf any person claimed or received any payment or payments from the state medicaid program, or its fiscal agent, the state mediKan program or the state children's health insurance program, whether or not any such individual was eligible for benefits under the state medicaid program, the state mediKan program or the state children's health insurance program.

(15)(14) "Records" means all written documents and electronic or magnetic data, including, but not limited to, medical records, x-rays, professional, financial or business records relating to the treatment or care of any recipient; goods, services, items, facilities or accommodations provided to any such recipient; rates paid for such goods, services, items, facilities or accommodations; and goods, services, items, facilities or accommodations provided to nonmedicaid recipients to verify rates or amounts of goods, services, items, facilities or accommodations provided to medicaid recipients, as well as any records that the state medicaid program, or its fiscal agents, the state mediKan program or the state children's health insurance program require providers to maintain. "Records" shall not include any report or record in any format which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(16)(15) "State children's health insurance program" means the state children's health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto.

(b) (1) There is hereby established within the ~~department of health and environment office of the attorney general~~ the office of inspector general. All budgeting, purchasing ~~and related management functions and personnel~~ of the office of inspector general shall be administered under the direction and supervision of the ~~executive director of the department of health and environment attorney general~~. The purpose of the office of inspector general is to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the state medicaid program, the state mediKan program and the state children's health insurance program ~~within the jurisdiction of the department of health and environment~~ and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse and illegal acts. The office of inspector general shall be independent and free from political influence and in performing the duties of the office under this section shall conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards that relate to the fields of investigation and auditing in government.

(2) (A) The inspector general shall be appointed by the ~~department of health and environment attorney general~~ with the advice and consent of the senate and subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed to the position of inspector general shall exercise any power, duty or function of the inspector general until confirmed by the senate. The inspector general shall be selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office of inspector general. The inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits or investigations and shall be familiar with the programs subject to oversight by the office of inspector general.

(B) No former or current executive or manager of any program or agency subject to oversight by the office of inspector general may be appointed inspector general within two years of that individual's period of service with such program or agency. The inspector general shall hold at time of appointment, or shall obtain within one year after appointment, certification as a certified inspector general from a national organization that provides training to inspectors general.

(C) ~~The term of the person first appointed to the position of inspector general shall expire on January 15, 2009. Thereafter,~~ A person appointed to the position of inspector general shall serve for a term which shall expire on January 15 of each year in which the whole senate is sworn in for a new term.

(D) The inspector general shall be in the ~~classified~~ unclassified service and shall receive ~~such compensation as is determined by law~~ an annual salary in an amount equal to the annual salary paid by the state to a district court judge, except that such compensation may be increased but not diminished during the term of office of the inspector general. The inspector general may be removed from office prior to the expiration of the inspector general's term of office ~~in accordance with the Kansas civil service act by the attorney general for cause~~. The inspector general shall exercise independent judgment in carrying out the duties of the office of inspector general under subsection (b). Appropriations for the office of inspector general shall be made to the ~~department of health and environment~~ attorney general by separate line item appropriations for the office of inspector general. The inspector general shall report to the ~~secretary of health and environment~~ attorney general.

(E) Subject to subsection (b)(1), the inspector general shall have general managerial control over the office of the inspector general and shall establish the organization structure of the office as the inspector general deems appropriate to carry out the responsibilities and functions of the office.

(3) Within the limits of appropriations therefor, the ~~inspector~~ attorney general may hire such employees in the unclassified service as are necessary to administer the office of the inspector general. Such employees shall serve at the pleasure of the ~~inspector~~ attorney general. Subject to appropriations and to subsection (b)(1), the inspector general may obtain the services of certified public accountants, qualified management consultants, professional auditors, or other professionals necessary to independently perform the functions of the office.

(c) (1) In accordance with the provisions of this section, the duties of the office of inspector general shall be to oversee, audit, investigate and make performance reviews of the state medicaid program, the state mediKan program and the state children's health insurance program, ~~which programs are within the jurisdiction of the department of health and environment or their successor programs~~.

(2) In order to carry out the duties of the office, the inspector general shall conduct independent and ongoing evaluation of ~~the department of health and environment and of such programs administered by the department of health and environment or their successor programs~~, which oversight includes, but is not limited to, the following:

(A) Investigation of fraud, waste, abuse and illegal acts ~~by the department of health and environment and its agents, employees, vendors, contractors, consumers, clients and health care providers or other providers directly relating to such programs~~.

(B) Audits of ~~the department of health and environment, its employees~~ state programs, contractors, vendors and health care providers related to ensuring that

appropriate payments are made for services rendered and to the recovery of overpayments.

(C) Investigations of fraud, waste, abuse or illegal acts committed by clients of the ~~department of health and environment programs~~ or by consumers of services administered by the ~~department of health and environment of such programs~~.

(D) Monitoring adherence to the terms of ~~the any~~ contract between ~~the department of health and environment~~ a state agency and an organization, ~~if any~~, with which the ~~department~~ state agency has entered into a contract to make claims payments.

(3) Upon finding credible evidence of fraud, waste, abuse or illegal acts, the inspector general shall report its findings to the ~~department of health and environment~~ and refer the findings to the attorney general.

(d) The inspector general shall have access to all pertinent information, confidential or otherwise, and to all personnel and facilities of ~~the department of health and environment, their employees, a state agency, state~~ vendors, contractors and health care providers and any federal, state or local governmental agency that are necessary to perform the duties of the office as directly related to such programs ~~administered by the department~~. Access to contractor or health care provider files shall be limited to those files necessary to verify the accuracy of the contractor's or health care provider's invoices or their compliance with the contract provisions or program requirements. No health care provider shall be compelled under the provisions of this section to provide individual medical records of patients who are not clients of the state medicaid program, the state mediKan program or the state children's health insurance program. State and local governmental agencies are authorized and directed to provide to the inspector general requested information, assistance or cooperation.

(e) Except as otherwise provided in this section, the inspector general and all employees and former employees of the office of inspector general shall be subject to the same duty of confidentiality imposed by law on any such person or agency with regard to any such information, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the inspector general and all employees and former employees of the office of inspector general shall be subject to the provisions of subsection (f), and the inspector general may furnish all such information to the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas pursuant to subsection (f). Upon receipt thereof, the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas and all assistants and all other employees and former employees of such offices shall be subject to the same duty of confidentiality with the exceptions that any such information may be disclosed in criminal or other proceedings which may be instituted and prosecuted by the attorney general or the United States attorney in Kansas, and any such information furnished to the attorney general, the Kansas bureau of investigation or the United States attorney in Kansas under subsection (f) may be entered into evidence in any such proceedings.

(f) All investigations conducted by the inspector general shall be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions, civil actions or agency administrative actions. If the inspector general determines that a possible criminal act or false claim relating to fraud in the provision or administration of such programs ~~administered by the department of health and environment~~ has been

committed, the inspector general shall immediately notify the ~~office of the Kansas attorney general~~. If the inspector general determines that a possible criminal act has been committed within the jurisdiction of the office, the inspector general may request the special expertise of the Kansas bureau of investigation. The inspector general may present for prosecution the findings of any criminal investigation to the office of the attorney general or the office of the United States attorney in Kansas.

(g) To carry out the duties as described in this section, the inspector general and the inspector general's designees shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of books, electronic records and papers as directly related to such programs ~~administered by the department of health and environment~~. Access to contractor files shall be limited to those files necessary to verify the accuracy of the contractor's invoices or its compliance with the contract provisions. No health care provider shall be compelled to provide individual medical records of patients who are not clients of ~~the department~~ such a program or programs.

(h) The inspector general shall report all convictions, terminations and suspensions taken against vendors, contractors and health care providers to ~~the department of health and environment~~ and to any agency contracting with or responsible for licensing or regulating those persons or entities. If the inspector general determines reasonable suspicion exists that an act relating to the violation of an agency licensure or regulatory standard has been committed by a vendor, contractor or health care provider who is licensed or regulated by an agency, the inspector general shall immediately notify such agency of the possible violation.

(i) The inspector general shall make annual reports, findings and recommendations regarding the office's investigations into reports of fraud, waste, abuse and illegal acts relating to any such programs ~~administered by the director of health care finance to the secretary of health and environment to the appropriate state agency~~, the legislative post auditor, the committee on ways and means of the senate, the committee on appropriations of the house of representatives, the attorney general and the governor. These reports shall include, but not be limited to, the following information:

- (1) Aggregate provider billing and payment information;
- (2) the number of audits of such programs administered by the department of health and environment and the dollar savings, if any, resulting from those audits;
- (3) health care provider sanctions, in the aggregate, including terminations and suspensions; and
- (4) a detailed summary of the investigations undertaken in the previous fiscal year, which summaries shall comply with all laws and rules and regulations regarding maintaining confidentiality in such programs ~~administered by the department of health and environment~~.

(j) Based upon the inspector general's findings under subsection (c), the inspector general may make such recommendations to ~~the department of health and environment~~ state agency or agencies which administer such program or programs or the legislature for changes in law, rules and regulations, policy or procedures as the inspector general deems appropriate to carry out the provisions of law or to improve the efficiency of such programs ~~administered by the department of health and environment~~. The inspector general shall not be required to obtain permission or approval from any other official or department prior to making any such recommendation.

(k) (1) The inspector general shall make provision to solicit and receive reports of fraud, waste, abuse and illegal acts in such programs ~~administered by the department of health and environment~~ from any person or persons who shall possess such information. The inspector general shall not disclose or make public the identity of any person or persons who provide such reports pursuant to this subsection unless such person or persons consent in writing to the disclosure of such person's identity. Disclosure of the identity of any person who makes a report pursuant to this subsection shall not be ordered as part of any administrative or judicial proceeding. Any information received by the inspector general from any person concerning fraud, waste, abuse or illegal acts in such programs ~~administered by the department of health and environment~~ shall be confidential and shall not be disclosed or made public, upon subpoena or otherwise, except such information may be disclosed if: (A) Release of the information would not result in the identification of the person who provided the information; (B) the person or persons who provided the information to be disclosed consent in writing prior to its disclosure; (C) the disclosure is necessary to protect the public health; or (D) the information to be disclosed is required in an administrative proceeding or court proceeding and appropriate provision has been made to allow disclosure of the information without disclosing to the public the identity of the person or persons who reported such information to the inspector general.

(2) No person shall:

(A) Prohibit any agent, employee, contractor or subcontractor from reporting any information under subsection (k)(1); or

(B) require any such agent, employee, contractor or subcontractor to give notice to the person prior to making any such report.

(3) Subsection (k)(2) shall not be construed as:

(A) Prohibiting an employer from requiring that an employee inform the employer as to legislative or auditing agency requests for information or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the employer;

(B) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(C) authorizing an employee to represent the employee's personal opinions as the opinions of the employer; or

(D) prohibiting disciplinary action of an employee who discloses information which: (i) The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity; (ii) the employee knows to be exempt from required disclosure under the open records act; or (iii) is confidential or privileged under statute or court rule.

(4) Any agent, employee, contractor or subcontractor who alleges that disciplinary action has been taken against such agent, employee, contractor or subcontractor in violation of this section may bring an action for any damages caused by such violation in district court within 90 days after the occurrence of the alleged violation.

(5) Any disciplinary action taken against an employee of a state agency or firm as such terms are defined under ~~subsection (b) of~~ K.S.A. 75-2973, and amendments

thereto, for making a report under subsection (k)(1) shall be governed by the provisions of K.S.A. 75-2973, and amendments thereto.

(l) The scope, timing and completion of any audit or investigation conducted by the inspector general shall be within the discretion of the inspector general. Any audit conducted by the inspector general's office shall adhere and comply with all provisions of generally accepted governmental auditing standards promulgated by the United States government accountability office.

(m) Nothing in this section shall limit investigations by any state department or agency that may otherwise be required or permitted by law or that may be necessary in carrying out the duties and functions of such agency.

(n) No contractor who has been convicted of fraud, waste, abuse or illegal acts or whose actions have caused the state of Kansas to pay fines to or reimburse the federal government more than \$1,000,000 in the medicaid program shall be eligible for any state medicaid contracts subsequent to such conviction unless the ~~department of health and environment~~ attorney general finds that the contractor is the sole source for such contracts, is the least expensive source for the contract, has reimbursed the state of Kansas for all losses caused by the contractor, or the removal of the contractor would create a substantial loss of access for medicaid beneficiaries, in which case ~~the department~~, after a specific finding to this effect ~~may waive~~, the prohibition of this subsection may be waived by the attorney general. Nothing in this section shall be construed to conflict with federal law, or to require or permit the use of federal funds where prohibited.

(o) ~~The department of health and environment, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed, executive meeting under the open meetings act, K.S.A. 75-4317 through 75-4320a, and amendments thereto, to discuss with the inspector general any information, records or other matters that are involved in any investigation or audit under this section. All information and records of the inspector general that are made, maintained, kept, obtained or received under any investigation or audit under this section shall be confidential, except as required or authorized pursuant to this section.~~

Sec. 11. K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 75-7427 are hereby repealed.";

Also on page 2, in line 22, by striking "statute book" and inserting "Kansas register"; And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "fund" by inserting "; the office of the inspector general; enforcement of the scrap metal theft reduction act; amending K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 75-7427 and repealing the existing sections";

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

BLAINE FINCH
FRED PATTON
JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 149**.

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

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

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

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

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, May 12, 2017.

Journal of the Senate

SIXTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 12, 2017, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 26 senators present.

Senators Doll, Fitzgerald, Haley, Hawk, Hilderbrand, Longbine, Lynn, Masterson, Pettey, Pyle, Skubal, Suellentrop, Taylor and Wilborn were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we're facing the end of another week. There have been times of stress but You've faithfully kept us. You promised in Hebrews 13:5, to never leave us nor forsake us. Therefore, help us as we struggle to reach agreements that will bless Your people.

Then, as we take off for the weekend, give us safe travel. And on this Mother's Day weekend, let the mothers feel honored that the tremendous role they have in our lives and in society is being recognized and appreciated.

Then, once the weekend is over, bring us back renewed, strengthened and ready to be guided by You in fulfilling the legislative process.

Thank You Lord for hearing and answering. In Jesus' Name, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee Report on **HB 2041**.

CHANGE OF CONFERENCE

President Wagle announced the appointment of Senator Estes as a member of the Conference Committee on **SB 83** to replace Senator LaTurner and also Senator Olson to replace Senator Estes.

REPORT ON ENROLLED BILLS

SB 89 reported correctly enrolled, properly signed and presented to the governor on May 12, 2017.

SR 1745, SR 1746, SR 1747 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 12, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 8-12, 2017:

Senator Bowers: commending Robert “Bob” Levin on his service to the National Weather Service and the State of Kansas, congratulating Sharon Schwartz on receiving the Kansas State University's Don L. Good Impact Award, congratulating John Swanson on receiving the media award from the Kansas Basketball Association, congratulating Aundrea Bruna on being elected Kansas FBLA President, congratulating Nancy K. Lane on her induction into the Kansas Teachers' Hall of Fame, congratulating Larry Randall on receiving the Kansas Hunter Education Instructor of the Year Award;

Senator McGinn: congratulating Anderson Office Supply on its 125th Anniversary;

Senator Schmidt: celebrating Mary Kasiska's 95th Birthday, congratulating Valeo Behavioral Health Care on its 50th Anniversary; and

Senator Tyson: congratulating Dylan J. Fanning on achieving the rank of Eagle Scout, congratulating Thomas J. Nowatzke on achieving the rank of Eagle Scout, congratulating Blake R. Wallis on achieving the rank of Eagle Scout, thanking Colleen Hand for her service as a legislative intern during the 2017 Session, thanking Emily Stanley for her service as a legislative intern during the 2017 Session.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, May 15, 2017.

Journal of the Senate

SIXTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 15, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Masterson was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we're back from the weekend. And, we thank You for the unique opportunities we had to celebrate those who gave us life; those mothers, that through the pain of child bearing, brought us into this world.

You enabled them to give birth to us with dreams that we'd make a constructive difference in the world into which they were bringing us.

Lord, I remember asking You to let my Grandmother live long enough to see that what she was investing in me was not in vain. And, Lord, You did that.

According to Your Word, in 2 Corinthians 5:8, and due to her faith, she's now with You and can see even more so that her labors netted positive results.

Your Word further states, in 3 John 1:4, that the greatest joy or happiness a parent can have is to hear that their children are walking, abiding and diligently following the way of Truth.

So Lord, whether our mothers are still here, or now with You, enable them to see and experience the joy of knowing that we're following Your Word of Truth and that we're making a positive difference in the lives that we touch.

And then, Lord, bless us with that same joy, as we invest in those that come after us.

Dear God, I make this petition in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2041**.

The House adopts the Conference Committee report on **SB 23**.

The House adopts the Conference Committee report on **H Sub SB 42**.

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: **S Sub HB 2132; HB 2280**.

On motion of Senator Denning, the Senate recessed until 2:30 p.m.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2380**.

The House adopts the Conference Committee report on **S Sub HB 2053**.

Announcing passage of **SB 126**, as amended by **H Sub SB 126**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2380 was thereupon introduced and read by title.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 126**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Schmidt the Senate nonconcurred in the House amendments to **H Sub SB 126** and requested a conference committee be appointed.

The Vice President appointed Senators Schmidt, Bollier and Kelly as a conference committee on the part of the Senate.

COMMITTEE OF THE WHOLE

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

On motion of Senator Bowers the following report was adopted:

The committee report on **HB 2132** recommending **S Sub HB 2132** be adopted, and the substitute bill be passed.

HB 2280 be amended by the adoption of the committee amendments, be further amended by motion of Senator Schmidt: on page 6, in line 6, after the period by inserting "As part of such review, the committee may direct communications to state agencies making comments and recommendations, and indicating concerns and approval or disapproval of any proposed rules and regulations, including any comments and concerns of the committee regarding the effect of proposed rules and regulations on business and economic development within the state of Kansas pursuant to the state agency's review specified in section 1, and amendments thereto."; by striking all in lines 9 through 13; and **HB 2280** be passed as further amended.

A motion by Senator Suellentrop to return **HB 2280** to committee failed.

A motion by Senator Kelly to amend **HB 2280** failed.

A motion by Senator Kelly to amend **HB 2280** was withdrawn.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 16, 2017.

Journal of the Senate

SIXTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 16, 2017, 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, when You sent Moses to be a leader of Your people, it was expected they would want to know who was sending him; that they would want to know Your name.

Likewise, when we struggle and wrestle with the responsibilities of leadership, we need to know and the people we're leading need to know that we're not just here doing this on our own. It's essential for us to know who is backing us. What is the authority behind what we do? What is Your Name?

In Exodus 3:14-15, You said, tell the people 'ehyeh 'asher 'ehyeh' – "I Am that I Am." You told Moses to tell the people that "I Am" sent him.

Lord, we don't usually talk like that. For a statement to have logic, the sentence needs a subject and a predicate. The subject identifies the doer in the sentence while the predicate identifies what is done.

When You sent us forth to represent You and Your authority among the people, help us understand that the "Great I Am" is backing us. You are the Doer. You are the Source. You are the Power. You are our God! But, You also are the predicate to complete the sentence. You complete whatever we need. Whatever we need, that's who You are!

Strength and wisdom for today; understanding and hope for tomorrow; that's who You are! A bridge over troubled water; a Guide through the maze of life; a sin-bearing Savior and Chaperon to Heaven. That's who You are!

Thank You for being The Great I Am! In Jesus' name, 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:

Assessment and Taxation: **HB 2380**.

MESSAGES FROM THE GOVERNOR

SB 14, SB 16 approved on May 15, 2017.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Rogers, Alley, Berger and Givens introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1748—

A RESOLUTION congratulating and commending the Kansas Association of School Boards on its 100th year of serving education leaders and inspiring student success.

WHEREAS, The Kansas Association of School Boards is a non-profit organization that is dedicated to serving members of governing boards for school districts, community colleges, vocational-technical schools and cooperatives, and interlocal and regional service centers; and

WHEREAS, The Kansas Association of School Boards is governed by a board of directors comprised of school board members from across Kansas; and

WHEREAS, The Kansas Association of School Boards believes all students are able to learn; an educated citizenry is essential to having a free society; education is often the most important factor in economic and social well-being; public education is a fundamental right that prepares students for the future and that local control of public schools is necessary to provide the best education to young people in Kansas; and

WHEREAS, The Kansas Association of School Boards strives to provide a culture of collaboration and service, is a voice for public education and seeks to improve education outcomes in Kansas; and

WHEREAS, The Kansas Association of School Boards assists local school boards, the cornerstone of our democracy, to accomplish their mission in a number of ways, including the formation of legislative policies and by providing legal assistance, leadership development and service, risk management programs, research and advocacy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Kansas Association of School Boards on its 100th year of service and its ongoing support of public education in Kansas; and

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

On emergency motion of Senator Rogers **SR 1748** was adopted by voice vote.

Guests introduced were Amy Martin, Don Shimkus, Dayna Miller, Patrick Woods, Shannon Kimball, Curt Herrman, Lori Black, Susan Walston, Gina McGowan and Frank Henderson.

Senators honored the guests with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S Sub HB 2132, AN ACT concerning port authorities; relating to the sale of property; amending K.S.A. 2016 Supp. 12-3412 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle, Tyson.

The substitute bill passed.

HB 2280, AN ACT concerning administrative rules and regulations; relating to review of rules and regulations by state agencies; reporting impact on business; joint committee on administrative rules and regulations; state rules and regulations board; membership; amending K.S.A. 2016 Supp. 77-416, 77-423 and 77-436 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Fitzgerald, Hilderbrand, Masterson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The bill passed, as amended.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub HB 2277**; **S Sub HB 2278**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2054**.

The House accedes to the request of the Senate for a conference on **H Sub SB 126** and has appointed Representatives Alford, Gallagher and Ousley as conferees on the part of the House.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

Sub HB 2277 be amended by motion of Senator Olson; on page 6, following line 28, by inserting:

"Sec. 3. K.S.A. 2016 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; and

~~(3) wait for a period of 10 days after completion of the application form and payment of the membership fee.~~

(d) Notwithstanding the membership fee ~~and waiting period~~ 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 ~~waiting period or~~ 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 ~~waiting period or~~ 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 ~~waiting period or~~ 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 ~~waiting period or dues 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 ~~waiting period or 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.";

Also on page 6, in line 29, by striking "is" and inserting "and 41-2641 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to club memberships"; also in line 3, after "41-719" by inserting "and 41-2641"; in line 4, by striking "section" and inserting "sections"

Sub HB 2277 be further amended by motion of Senator Longbine; on page 6, following line 28, by inserting:

"Sec. 3. On and after January 1, 2018, section 1 of 2017 House Substitute for Senate Bill No. 13 is hereby amended to read as follows: Section 1. (a) Notwithstanding the provisions of K.S.A. 41-1101, and amendments thereto, or the provisions of the Kansas cereal malt beverage act, a distributor may establish reasonable minimum order quantities or minimum dollar value of an order, or both, for ~~alcoholic liquor~~ beer and cereal malt beverages distributed by the distributor to a retailer.

(b) The provisions of K.S.A. 41-1101(b), and amendments thereto, shall apply to a person licensed pursuant to K.S.A. 41-2702, and amendments thereto, to sell cereal malt beverage and beer containing not more than 6% alcohol by volume to the same extent it applies to a retailer licensed pursuant to the Kansas liquor control act, and the provisions of K.S.A. 41-1101(d), and amendments thereto, shall apply to a retailer licensed pursuant to the Kansas liquor control act to the same extent it applies to a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto.

(c) This section shall be a part of and supplemental to the Kansas liquor control act.

(d) The provisions of this section shall be effective on and after April 1, 2019.";

Also on page 6, following line 29, by inserting:

"Sec. 5. On and after January 1, 2018, section 1 of 2017 House Substitute for Senate Bill No. 13 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "liquor" and inserting "beverages"; in line 3, after "and" by inserting "section 1 of 2017 House Substitute for Senate Bill No. 13 and"; in line 4, by striking "section" and inserting "sections";

And **Sub HB 2277** be passed as amended.

The committee report on **S Sub HB 2278** recommending **S Sub HB 2278** be adopted, be further amended by motion of Senator Berger; on page 4, in line 9, by striking the colon; in line 10, by striking "(1)"; in line 11, by striking the semicolon and inserting ".

(1) (1) Except as provided in subsection (m) and paragraph (2), the governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may prohibit the carrying of concealed handguns in any building of such institution, including any building located on the grounds of the institution and any building leased by the institution, or any public area thereof, provided that the building or public area thereof is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments thereto:";

Also on page 4, following line 26, by inserting:

"(2) Except as provided in subsection (m), any institution listed in paragraph (1) shall not prohibit the holder of a license issued pursuant to or recognized by the personal and family protection act from carrying a concealed handgun in any building of such institution or public area thereof, unless the building or public area has adequate security measures to ensure that no weapons are permitted to be carried into the building or public area or such institution provides gun lockers or similar storage options at the institution to ensure handguns in the possession of such persons are securely stored upon entry, and the building or public area thereof is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments thereto.

(m) Any person who is a patient at Larned state hospital, Osawatomie state hospital, Kansas neurological institute or Parsons state hospital and training center is prohibited from carrying a concealed handgun in any building of such institution or public area thereof.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Doll, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wilborn.

Nays: Bollier, Denning, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

EXPLANATION OF VOTE

Mr. Chair: Voting "NO" on this amendment, which would allow only concealed carry PERMIT holders to access our public facilities, is easy for me. As a part of my Explanation of Vote for supporting **SB 45** in 2015 (regarding public PERMITLESS concealed carry of weapons) stated (and which was signed on to by a record TWENTY Republican Senators), "...in our society, I prefer to favor the lawful over the lawless... provide the same personal safety and protection to a...law-abiding gun-owning citizen that parallels (simply)...unregistered gun possess(ing)." This amendment reinstates the economic and time-consumptive annual registration fees and training requirements

which creates the disparity among those who CAN NOT afford either but deserve to be able to lawfully arm themselves just as much as those who CAN afford the money and the time to “register” and garner a “permit.” Again, I proudly and consistently vote NO on a reinstatement that will now, once again, perpetuate discrimination based on financial and free time ability favoring “legal” permit holders to carry weapons.—DAVID HALEY

Senator Bollier moved to further amend **S Sub HB 2278**.

Senator Olsen offered a priority motion to send the bill to the Committee on **Federal and State Affairs**.

Senator Schmidt offered a substitute motion that **S Sub HB 2278** be rereferred back to the Committee on **Ways and Means**. The motion carried.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **Sub HB 2277** was advanced to Final Action and roll call.

Sub HB 2277, AN ACT concerning alcoholic beverages; creating common consumption areas designated by cities and counties; authorizing common consumption area permits; relating to club memberships; amending K.S.A. 2016 Supp. 41-719 and 41-2641 and section 1 of 2017 House Substitute for Senate Bill No. 13 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Alley, Baumgardner, Hilderbrand, Pyle, Tyson.

The bill passed, as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 17, 2017.

Journal of the Senate

SEVENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 17, 2017, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Bowers was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, it is with great appreciation that we are blessed to come into these halls again. We're here to serve at Your behest. And so to have favor with You, and a good standing with the people, help us apply the ideals and wisdom of Proverbs 3.

In that passage, You call us to trust Your teachings and follow Your commands. And even though doing so, can sometimes be terrifying, clarify for us the need to put our total trust in You.

Lord, we often find that our calculators malfunction. So, it's good to know we don't have to figure out everything for ourselves. It's good to know that You are worthy of our trust and we can rely on You. All of Your promises are Amen and Amen. So, when we come to the forks in our roads, we can know that the Divine Calculator already has things figured out. And, we can trust You to reveal the way to take...the right from the wrong...the good from the better...if and when to compromise.

And when we follow Your lead, You've promised that our lives will enjoy both quantity of years and quality of years.

So, as this legislative process moves forward, guide each participant to do as the hymn writer, John Sammis, suggested all the way back in 1887, to "trust and obey...for there's no other way." In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Susan 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 bill: **HB 2128**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2128** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 18; following line 18, by inserting:

"Section 1. K.S.A. 2016 Supp. 59-29a08 is hereby amended to read as follows: 59-29a08. (a) Each person committed under the Kansas sexually violent predator act shall have a current examination of the person's mental condition made once every year. The secretary shall provide the ~~committed~~ person with an annual written notice of the person's right to petition the court for release over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall also forward the annual report, as well as the annual notice and waiver form, to the court that committed the person under the Kansas sexually violent predator act. The court shall file the notice and the report upon receipt.

(b) The person must file a request for an annual review hearing within 45 days after the date the court files the annual written notice. Failure to request a hearing within 45 days pursuant to this subsection waives the person's right to a hearing until the next annual report is filed by the court. A contested annual review hearing for transitional release shall consist of consideration about whether the person is entitled to transitional release. Only a person in transitional release shall be permitted to petition for conditional release. Only a person in conditional release shall be permitted to petition for final discharge.

(c) The person may retain, or if the person is indigent and so requests the court may appoint a ~~qualified professional person to examine such person~~, an examiner pursuant to K.S.A. 60-235, and amendments thereto, and ~~such expert or professional person the examiner~~ shall have access to all available records concerning the person. ~~The court that committed the person under the Kansas sexually violent predator act shall then conduct an annual review of the status of the committed person's mental condition. If the person is indigent and makes a request for an examiner, the court shall determine whether the services are necessary and shall determine the reasonable compensation for such services. The court, before appointing an examiner, shall consider factors including the person's compliance with institutional requirements and the person's participation in treatment to determine whether the person's progress justifies the costs of an examination. The appointment of an examiner is discretionary.~~

(d) At the annual review hearing, the burden of proof shall be upon the person to show probable cause to believe the person's mental abnormality or personality disorder has significantly changed so that the person is safe to be placed in transitional release. The report, or a copy thereof, of the findings of a qualified expert shall be admissible into evidence in the annual review hearing in the same manner and with the same force and effect as if the qualified expert had testified in person. If the person does not participate in the prescribed treatment plan, the person is presumed to be unable to show probable cause to believe the person is safe to be released.

(e) ~~The committed~~ person shall have a right to have an attorney represent the person at the annual review hearing to determine probable cause, but the person is not entitled to be present at the hearing.

(b) ~~Nothing contained in the Kansas sexually violent predator act shall prohibit the~~

~~person in conditional release from otherwise petitioning the court for discharge at the annual review hearing.~~

(f) If the person does not file a petition requesting a hearing pursuant to subsection (b), the court that committed the person under the Kansas sexually violent predator act shall then conduct an in camera annual review of the status of the person's mental condition and determine whether the person's mental abnormality or personality disorder has significantly changed so that an annual review hearing is warranted. The court shall enter an order reflecting its determination.

~~(e)(g) If the court at the annual review hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so significantly changed so that the person is safe to be placed in transitional release, then the court shall set a hearing for transitional release on the issue. The committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person pursuant to K.S.A. 59-29a06, and amendments thereto assistance of counsel. The attorney general shall represent the state and shall have a right to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing for transitional release shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be placed in transitional release and if transitionally released is likely to engage in repeat acts of sexual violence.~~

(h) If, after the hearing for transitional release, the court is convinced beyond a reasonable doubt that the person is not appropriate for transitional release, the court shall order that the person remain in secure commitment. Otherwise, the court shall order that the person be placed in transitional release.

(i) If the court determines that the person should be placed in transitional release, the secretary shall transfer the person to the transitional release program. The secretary may contract for services to be provided in the transitional release program. During any period the person is in transitional release, that person shall comply with any rules or regulations the secretary may establish for this program and every directive of the treatment staff of the transitional release program.

(j) At any time during which the person is in the transitional release program and the treatment staff determines that the person has violated any rule, regulation or directive associated with the transitional release program, the treatment staff may remove the person from the transitional release program and return the person to the secure commitment facility, or may request the district court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and return the person to the secure commitment facility. Any such request may be made verbally or by telephone, but shall be followed in written, facsimile or electronic form delivered to the court by not later than 5:00 p.m. of the first day the district court is open for the transaction of business after the verbal or telephonic request was made.

(k) Upon the person being returned to the secure commitment facility from the transitional release program, notice thereof shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person's having been returned to the secure commitment facility and cause notice

thereof to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of transitional release. The hearing shall be to the court. At the conclusion of the hearing the court shall issue an order returning the person to the secure commitment facility or to the transitional release program, and may order such other further conditions with which the person must comply if the person is returned to the transitional release program.

(1) For the purposes of this section, if the person is indigent and without counsel, the court shall appoint counsel to assist such person.

Sec. 2. K.S.A. 2016 Supp. 59-29a10 is hereby amended to read as follows: 59-29a10. (a) (1) If the secretary determines that the person's mental abnormality or personality disorder has ~~so~~ significantly changed so that the person is not likely to engage in repeat acts of sexual violence if placed in transitional release, the secretary shall authorize the person to petition the court for transitional release. The petition shall be served upon the court and the attorney general. The court, upon service of the petition for transitional release, shall issue notice of a hearing to be scheduled within 30 days. The attorney general shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of ~~such attorney's~~ the attorney general's choice. The burden of proof shall be upon the attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if placed in transitional release is likely to engage in repeat acts of sexual violence.

~~(b)(2)~~ If, after the hearing, the court is convinced beyond a reasonable doubt that the person is not sufficiently safe to warrant transitional release, the court shall order that the person remain in secure commitment. Otherwise, the court shall order that the person be placed in transitional release.

~~(c)(3)~~ The provisions of K.S.A. 59-29a08(e), ~~(f) and (g) (i), (j) and (k),~~ and amendments thereto, shall apply to a transitional release pursuant to this section.

(b) (1) If the secretary determines that the person's mental abnormality or personality disorder has significantly changed so that the person is not likely to engage in repeat acts of sexual violence if placed in conditional release, the secretary shall authorize the person to petition the court for conditional release. The petition shall be served upon the court and the attorney general. The court, upon service of the petition for conditional release, shall issue notice of a hearing to be scheduled within 30 days. The attorney general shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the attorney general's choice. The burden of proof shall be upon the attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if placed in conditional release is likely to engage in repeat acts of sexual violence.

(2) If, after the hearing, the court is convinced beyond a reasonable doubt that the person is not sufficiently safe to warrant conditional release, the court shall order that the person remain either in secure commitment or in transitional release. Otherwise, the court shall order that the person be placed in conditional release.

(3) The provisions of K.S.A. 59-29a18(h) and 59-29a19(a), (d) and (e), and amendments thereto, shall apply to a conditional release pursuant to this section.

Sec. 3. K.S.A. 2016 Supp. 59-29a18 is hereby amended to read as follows: 59-

29a18. (a) During any period the person is in transitional release, the person committed under this act at least annually, and at any other time deemed appropriate by the treatment staff, shall be examined by the treatment staff to determine if the person's mental abnormality or personality disorder has so significantly changed so as to warrant such person being considered for conditional release. The treatment staff shall forward a report of its examination to the court. The court shall review the same. If the court determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be placed in conditional release, the court shall then set a hearing on the issue. The attorney general shall have the burden of proof to show beyond a reasonable doubt that the person's mental abnormality or personality disorder remains such that the person is not safe to be at large and that if placed on conditional release is likely to engage in repeat acts of sexual violence. The person shall have the same rights as enumerated in K.S.A. 59-29a06, and amendments thereto. Subsequent to either a court review or a hearing, the court shall issue an appropriate order with findings of fact. The order of the court shall be provided to the attorney general, the person and the secretary. The secretary shall provide the person with a written notice of the person's right to petition the court for release over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall also forward the report, as well as the notice and waiver form, to the court that committed the person under the Kansas sexually violent predator act. The court shall file the notice and the report upon receipt.

(b) The person must file a request for an annual review hearing within 45 days after the date the court files the annual written notice pursuant to subsection (a). Failure to request a hearing within 45 days pursuant to this subsection shall waive the person's right to a hearing until the next annual report is filed by the court. A contested annual review hearing for conditional release shall consist of consideration about whether the person is entitled to conditional release from transitional release. Only a person in transitional release shall be permitted to petition for conditional release. No person in transitional release shall be permitted to petition for final discharge.

(c) The person may retain, or if the person is indigent and so requests, the court may appoint, an examiner pursuant to K.S.A. 60-235, and amendments thereto, and the examiner shall have access to all available records concerning the person. If the person is indigent and makes a request for an examiner, the court shall determine whether the services are necessary and shall determine the reasonable compensation for such services. The court, before appointing an examiner, shall consider factors including the person's compliance with institutional requirements and the person's participation in treatment to determine whether the person's progress justifies the costs of an examination. The appointment of an examiner is discretionary.

(d) At the annual review hearing, the burden of proof shall be upon the person to show probable cause to believe the person's mental abnormality or personality disorder has significantly changed so that the person is safe to be placed in conditional release. The report, or a copy thereof, of the findings of a qualified expert shall be admissible into evidence in the annual review hearing in the same manner and with the same force and effect as if the qualified expert had testified in person. If the person does not participate in the prescribed treatment plan, the person is presumed to be unable to show probable cause to believe the person is safe to be released.

(e) The person shall have a right to have an attorney represent the person at the

annual review hearing to determine probable cause, but the person is not entitled to be present at the hearing.

(f) If the person does not file a petition requesting a hearing pursuant to subsection (b), the court that committed the person under the Kansas sexually violent predator act shall then conduct an in camera annual review of the status of the person's mental condition and determine whether the person's mental abnormality or personality disorder has significantly changed so that an annual review hearing is warranted. The court shall enter an order reflecting its determination.

(g) If the court at the annual review hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has significantly changed so that the person is safe to be placed in conditional release, then the court shall set a hearing for conditional release on the issue. The person shall be entitled to be present and entitled to the assistance of counsel. The attorney general shall represent the state and shall have a right to have the person evaluated by experts chosen by the state. The person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing for conditional release shall be upon the state to prove beyond a reasonable doubt that the person's mental abnormality or personality disorder remains such that the person is not safe to be placed in conditional release and if conditionally released is likely to engage in repeat acts of sexual violence.

(h) If, after the hearing for conditional release, the court is convinced beyond a reasonable doubt that the person is not appropriate for conditional release, the court shall order that the person remain either in secure commitment or in transitional release. Otherwise, the court shall order that the person be placed on conditional release.

(i) Subsequent to either a court review or a hearing, the court shall issue an appropriate order with findings of fact. The order of the court shall be provided to the attorney general, the person and the secretary.

(j) For the purposes of this section, if the person is indigent and without counsel, the court shall appoint counsel to assist such person.";

Also on page 3, in line 19, by striking "75-4319 is" and inserting "59-29a08, 59-29a10 and 59-29a18 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "Kansas"; in line 2, by striking all before the second semicolon and inserting "sexually violent predator act; relating to examinations; transitional release; conditional release"; in line 3, by striking "75-4319" and inserting "59-29a08, 59-29a10 and 59-29a18"; in line 4, by striking "section" and inserting "sections";

RICHARD WILBORN
MOLLY BAUMGARDNER
DAVID HALEY

Conferees on part of Senate

BLAINE FINCH
FRED PATTON
JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2128**.

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

Absent or Not Voting: Bowers.

The Conference Committee Report was adopted.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Wilborn moved the Senate concur in House amendments to **H Sub SB 120**.

H Sub SB 120, AN ACT concerning the code of civil procedure; amending K.S.A. 2016 Supp. 60-102, 60-206, 60-216, 60-226, 60-230, 60-231, 60-234, 60-237 and 60-255 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 60-268.

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

Absent or Not Voting: Bowers.

The Senate concurred.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub HB 2132**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

CHANGE OF CONFERENCE

The President appointed Senators McGinn, Billinger and Kelly to replace Senators Kerschen, Estes and Francisco as members of the conference committee on **HB 2079**.

ORIGINAL MOTION

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **S Sub HB 2132**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, May 18, 2017.

Journal of the Senate

SEVENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 18, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 39 senators present.
Senator Bowers was excused.
Invocation by Reverend Cecil T. Washington:

Lord God of Heaven and earth, there's much work yet to be done in these chambers. I pray that You provide the servants here with all they need to make wise decisions. Let the prayer of Jabez be ours. In 1 Chronicles 4:10, it says Jabez prayed to You, saying "Please bless me and expand my territory." He asked for Your power to be with him and to free him from evil. And, Lord, You gave him what he asked for. I pray today that You do for us what You did for Jabez. In Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize members of the World Mission Society Church of God. Introduced were Kwang Su Park, Hongyeal Lee, Michael Musni, Levi Cramer and Ruby Marron.

Senators honored the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 251, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the Kansas school equity and enhancement act; amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by section 92 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482 and 75-2319, as amended by section 46 of Senate Substitute for Substitute for House Bill No. 2052, by Committee on Ways and Means.

SB 252, AN ACT concerning rural economic development; enacting the ad astra rural jobs act, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The Vice President referred **SB 251** to the **Senate Select Committee on Education Finance**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 60**.

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 23**; **HB 2313**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23** 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 2, in line 16, before "To" by inserting "(a)"; in line 20, after the first comma by inserting "and the funding therefor"; following line 21, by inserting:

"(b) Any state agency may enter into agreements with the attorney general to carry out provisions of this section and section 1, and amendments thereto.";

Also on page 2, by striking all in line 43;

On page 3, by striking all in lines 1 through 3;

On page 15, in line 26, by striking all after "(b)"; by striking all in line 27; in line 28, by striking all before "Upon" and inserting "(1) The insurance commissioner shall appoint a person as securities commissioner no later than September 1, 2017, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, to serve an initial term ending on January 14, 2019."; following line 41, by inserting:

"(2) The securities commissioner shall devote full time to the performance of the duties of the office of the securities commissioner.";

And by renumbering sections accordingly;

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

BLAINE FINCH
FRED PATTON
JOHN CARMICHAEL

Conferees on part of House

JEFF LONGBINE
 RICK BILLINGER
 LYNN ROGERS

Conferees on part of Senate

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 23**.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Hilderbrand, Kelly, Rogers.
 Absent or Not Voting: Bowers, Wilborn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: **SB 23** is a better bill than Senate action alone. The reason we are doing this is because of past poor performance of our last two Securities Commissioners. I like the concept of making the Securities Commissioner work full time for their state duties/pay and moving attorneys to the Attorney General's office. I also like the public policy statement that the Attorney General's office has the prosecution authority for the state instead of spread throughout state agencies. I could support this bill if all duties were moved to the Attorney General's office. But we should have taken more care in appointing competent Securities Commissioners.—LYNN ROGERS

Senators Faust-Goudeau, Francisco, Haley, Hawk and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 23**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2313** 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, following line 28, by inserting:

"No more than two lottery ticket vending machines may be located at each Kansas lottery retailer selling location.";

On page 9, in line 5, by striking all after "(k)"; by striking all in line 6; in line 7, by striking all before the period and inserting "'Facility owner licensee" shall have the same meaning as that term is defined in K.S.A. 74-8802, and amendments thereto.

(l) "Racetrack gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(m) "Lottery gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(n) "Prize" shall have the same meaning as that term is defined in K.S.A. 74-8702,

and amendments thereto, and any winnings from parimutuel wagering as provided by the Kansas parimutuel racing act, K.S.A. 74-8801 et seq., and amendments thereto";

Also on page 9, by striking all in lines 8 through 35; in line 40, by striking all after "director"; in line 41, by striking all before "may";

On page 10, in line 1, by striking all after "or"; in line 2, by striking "vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 10, by striking all after "a"; in line 11, by striking "vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 14, by striking all before "with" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 16, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 18, after "debts" by inserting "by a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 29, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 31, by striking "third party vendor, as agent of the state," and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 35, by striking "third party"; in line 36, by striking "vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 38, by striking "third party vendor is acting strictly as agent for the state and" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 41, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 42, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee";

On page 11, in line 3, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee";

On page 12, in line 6, after "(5)" by inserting "transfers to the community crisis stabilization centers fund and clubhouse model program fund of the Kansas department for aging and disability services pursuant to subsection (e);

(6) ";

Also on page 12, in line 7, after the stricken material by inserting "and"; in line 8, by striking the semicolon; by striking all in lines 9 through 11; in line 12, by striking all before the period; in line 20, by striking "(4)" and inserting "(5)"; in line 27, by striking all after the first comma; by striking all in lines 28 through 43;

On page 13, in line 1, by striking all before the period and inserting "during fiscal year 2018 through fiscal year 2022, on or before the 10th day of each month, the director of the lottery shall certify to the director of accounts and reports all net profits from the sale of lottery tickets and shares via lottery ticket vending machines. Of such certified amount, the director of accounts and reports shall transfer 75% from the lottery operating fund to the community crisis stabilization centers fund of the Kansas department for aging and disability services and 25% from the lottery operating fund to the clubhouse model program fund of the Kansas department for aging and disability services";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 13, following line 27, by inserting:

"Sec. 8. K.S.A. 2016 Supp. 75-5173 is hereby amended to read as follows: 75-5173. As used in this act:

- (a) "Act" means the Kansas charitable gaming act.
- (b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2016 Supp. 75-5186, and amendments thereto.
- (c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.
- (d) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.
- (e) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.
- "Call bingo" shall include any regular, special, mini and progressive game of bingo.
- (f) "Charitable gaming" means bingo, including call bingo, and instant bingo and charitable raffles.
- (g) "Charitable raffle" means a raffle conducted by a nonprofit religious, charitable, fraternal, educational or veterans' organization.
- (h) "Department" means the department of revenue.
- (i) "Director" means the director of taxation.
- (j) "Distributor" means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.
- (k) "Electronic gaming device" means a device that, as a result of the insertion of a coin or other object, operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value.
- (l) "Instant bingo" means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) which is conducted by a licensee under this act; (5) ~~the conduct of which must be in the presence of the players, which may be dispensed by an instant bingo vending machine;~~ and (6) which does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines.

Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets; (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the

winning letter, number or symbol in a designated call game of bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

"Instant bingo" ~~shall not~~ may include any bingo game utilizing electronically generated or computer-generated tickets from an instant bingo vending machine.

(m) (1) "Instant bingo vending machine" means a machine or electronic device owned or leased by a licensee, with no more than two such machines located at each licensee's premises where bingo is conducted, the purposes of which are to:

(A) Dispense a printed instant bingo ticket after the purchaser inserts cash or other form of consideration into the machine; and

(B) allow purchasers to manually check the winning status of the instant bingo ticket.

(2) "Instant bingo vending machine" shall not:

(A) Provide a visual or audio representation of an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed instant bingo ticket;

(D) extend or arrange credit for the purchase of an instant bingo ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than the instant bingo ticket;

(H) provide free instant bingo tickets or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

(n) "Lessor" means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo.

~~(o)~~ (o) "Licensee" means any nonprofit organization holding a license to manage, operate or conduct games of bingo or charitable raffles pursuant to K.S.A. 2016 Supp. 75-5171 through 75-5188, and amendments thereto. A license shall be required for each affiliated organization of any state or national nonprofit religious, charitable, fraternal, educational or veteran's organization.

~~(p)~~ (p) "Mini bingo" means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game.

~~(q)~~ (q) "Net proceeds" means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo or raffles and any admission fees or charges less amounts actually paid as prizes in games of bingo or raffles and any tax payable by the licensee.

~~(r)~~ (r) "Nonprofit religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a

weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

~~(s)~~(s) "Nonprofit charitable organization" means any organization which is organized and operated for:

(1) The relief of poverty, distress, or other condition of public concern within this state;

(2) financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

~~(t)~~(t) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

~~(u)~~(u) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

~~(v)~~(v) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization, the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as

provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

~~(w)~~(w) "Person" means any natural person, corporation, partnership, trust or association.

~~(x)~~(x) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

~~(y)~~(y) "Progressive bingo" means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player's opportunity to win shall increase as the prize amount increases.

~~(z)~~(z) "Raffle" means a game of chance in which each participant buys a ticket or tickets from a nonprofit organization with each ticket providing an equal chance to win a prize and the winner being determined by a random drawing.

~~(aa)~~(aa) "Reusable bingo card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two cards in the same game shall be identical.

~~(bb)~~(bb) "Secretary" means the secretary of revenue or the secretary's designee.

~~(cc)~~(cc) "Session" means a day on which a licensee conducts games of bingo.";

Also on page 13, in line 28, by striking "and 75-6203"; in line 29, after "74-8723," by inserting "75-5173,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the Kansas lottery" and inserting "gaming"; in line 2, before "repealing" by inserting "dealing with instant bingo vending machines,"; in line 3, after the first semicolon by inserting "concerning certain"; also in line 3, by striking "with third party vendors"; in line 4, by striking "and 75-6203"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "74-8711" by inserting "and 75-5173";

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

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER

RON HIGHLAND

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2313**.

Senator Bollier offered a substitute motion to not adopt the Conference Committee Report on **HB 2313** and appoint a new conference. The motion failed.

The Senate returned to Senator Estes' motion on **HB 2313**.

On roll call, the vote was: Yeas 21; Nays 16; Present and Passing 1; Absent or Not Voting 2.

Yeas: Billinger, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hawk, Holland, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Skubal, Suellentrop, Taylor, Wagle.

Nays: Alley, Baumgardner, Berger, Bollier, Francisco, Hardy, Hensley, Hilderbrand, Kelly, McGinn, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Sykes, Tyson.

Present and Passing: Pyle.

Absent or Not Voting: Bowers, Wilborn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I vote “NO” on the Conference Committee Report on **House Bill 2313**. While I support the proposal to allow the Kansas Lottery to use lottery ticket vending machines, I do not support the addition of the change to the definition of “instant bingo” in the report that allows the use of bingo games utilizing electronically generated tickets from an instant bingo vending machine. My “NO” is not based on a specific objection to such machines, but because that change was added to the report without having been part of a bill that passed in either the House or the Senate. I believe it is important to follow a process that allows for public comment, discussion in a committee, or amendments on the floor.—MARCI FRANCISCO

Senator Bollier requests the record to show she concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2313**.

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 nonconcurrs in Senate amendments to **HB 2280**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the house.

CHANGE OF REFERENCE

The President withdrew **HB 2182** from the Committee on **Commerce**, and referred the bill to the Committee on **Agriculture and Natural Resources**.

On motion of Vice President Longbine, the Senate adjourned until 8:00 a.m., Friday, May 19, 2017.

Journal of the Senate

SEVENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 19, 2017, 8:00 a.m.

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

Lord of all, God of Heaven and earth, as a leader of Your people in the Old Testament, Elijah needed Your directions. And, with the noise of so many voices coming at him, he needed to know with certainty that he was following the right voice.

1 Corinthians 10:11 lets us know that some of the things that happened in the Old Testament were examples for us.

As leaders of Your people, like Elijah, we need Your direction. And with all the noises coming at us, we need the certainty that we're listening to the right voice.

In 1 Kings 19:10-12, Elijah found that he wasn't hearing from You through the loudness of a windstorm, or the rumbling of an earthquake or the bristling of a fire. But when he heard from You, it was in a small whisper, like a gentle breeze.

Lord, help us to not get distracted by all the loud voices, coming at us constantly with other agendas. Like a radio that's searching for the right signal, help us probe and pierce through all the static, until we hear Your voice; that quiet voice of Your Spirit that speaks to us within.

For the only way to get the direction that satisfies, and fulfills our task as leaders, is to get it from You.

Lord, I pray that, as a result of this petition, You give us the determination to find that quiet place within, where to Your glory and our good we can hear Your voice. And Lord, once we're there, where we're tuned in to You, help us stay there. Help us make a home there.

In Jesus' Name, I thank You for the privilege of this prayer. 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:

Commerce: **SB 252**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

REPORT ON ENROLLED BILLS

H Sub SB 40, H Sub SB 120; SB 149 reported correctly enrolled, properly signed and presented to the Governor on May 19, 2017.

SR 1748 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 19, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 15-19, 2017:

- Senator Faust-Goudeau: recognizing The World Mission Society Church of God;
- Senator Kelly: congratulating Duravin Levi Knight, Jr. on achieving the rank of Eagle Scout; and
- Senator Rogers: honoring the life of Morita Viktoria Flanigan.

On motion of Senator V. Schmidt, the Senate adjourned until 10:00 a.m., Monday, May 22, 2017.

Journal of the Senate

SEVENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 22, 2017, 10:00 a.m.

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

Heavenly Father, Monday brings another opportunity to serve You and in serving You, to serve Your people.

Thanks for giving us the weekend...for allowing us to get away for a couple of days. It won't be long before another Friday has come and another week will end.

But we don't want it to end weak. For over five months, supported by Your grace, efforts have poured into crafting, studying, debating and passing legislation aimed at lifetime improvements.

Now, give us the energy, the wisdom and help we need to make use of the bright minds, dedication and the hard work of these servants, in moving Your agenda forward to a strong finish.

In addition to the more local concerns, we also pray for President Trump and all those traveling with him...that hearts, values, challenges and decisions will ultimately be influenced by You.

Lord, the war between good and evil, here and worldwide, can only be won by Your Supernatural intervention. You are the real Commander-in-Chief. You are the true Authority! So, as we wait and long for that day, when evil is ultimately overcome by good, help all of us in authority, realize, as it says in Romans 13, that all human authority, to suppress evil and reward good, comes from You.

Help us to apply our hearts to good and trust You in all we do. In Jesus' Name, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2102**, and requests return of the bill.

On motion of Senator Denning, the Senate recessed until 3:00 p.m.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 201**, as amended.

The House adopts the Conference Committee report on **HB 2128**.

The House adopts the Conference Committee report on **H Sub SB 21**.

The House announced the appointment of Representative Ward as a conferee on **SB 30** to replace Representative Sawyer.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1749—

A RESOLUTION congratulating and commending the 2016-2017
Kansas Distinguished Financial Educator Award recipients.

WHEREAS, Three Kansas teachers are receiving the Distinguished Financial Educator Award, sponsored by the Offices of the State Bank Commissioner and the Securities Commissioner, for the 2016-2017 school year, based on their innovative teaching practices and commitment to educate students in the subject of personal finance and to advocate for financial education; and

WHEREAS, Financial literacy is recognized as a critical life skill, but is not a required course that students must take in order to graduate in Kansas; and

WHEREAS, The 2017 Consumer Financial Literacy Survey conducted nationwide by the National Foundation for Credit Counseling demonstrated that there continues to be a growing need for financial education, finding an increase in American credit card debt, decreases in the number of people with non-retirement savings and higher levels of concern about long-term financial stability, including retirement savings; and

WHEREAS, These teachers have proven their dedication to improving the financial literacy of students in their community by using a variety of programs and resources that not only teach students information about managing their money, but also help them learn how to apply the knowledge they gain, so they can be well-equipped to make wise financial decisions for the rest of their lives: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Aaron Dirks of Scott Community High School, Vicki Galloway of Haven Schools and Lisa Ward of Fort Scott High School for being selected as Distinguished Financial Educators for the 2016-2017 school year; and

Be it further resolved: That the Secretary of the Senate shall send four enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the 2016-2017 Kansas Distinguished Financial Educators.

On emergency motion of Senator Berger **SR 1749** was adopted by voice vote.

MESSAGES FROM THE GOVERNOR

SB 89 approved on May 22, 2017.

On motion of Senator Denning, the Senate recessed until 5:00 p.m.

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

REPORT ON ENROLLED BILLS

SB 23 reported correctly enrolled, properly signed and presented to the Governor on May 22, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 23, 2017.

Journal of the Senate

SEVENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 23, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 39 senators present.
Senator Bowers was excused.
Invocation by Reverend Cecil T. Washington:

Lord, we thank You again for ALL the servants under this dome...for the Senators, for those in the House of Representatives, for All the guards, for the custodians behind the scenes trying to keep everything clean.

We thank You for the engineers, the technical people, for ALL the supporting staff that keep things running.

Lord, we're all part of the same team...a team charged with the significant responsibility of representing You in civil affairs.

Some of us carry the ball. Others of us open up opportunities to advance. Some of us run interference to prevent the blocking of progress.

Some of us are Democrats. Some of us are Republicans. Some say we're conservative. Some say we're liberal. But whether we're left or right, fore or aft, we're all in the same boat. And for good to overcome evil, for our team to win, love for our neighbors must prevail, despite our differences.

And Lord, we continue with the prayer of yesterday...praying for our President; those traveling with him; the foreign leaders they're meeting with and their combined efforts to seek peace.

We pray for those devastated by the murderous bombing in Manchester. Again, Lord, we long for the day, when evil is ultimately overcome by good. Let the authority, that You have given these leaders, mentioned in Romans 13, be effective in suppressing evil while encouraging and rewarding good.

I come to You Lord, in the Name of Him, Who is the Prince of Peace, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

MESSAGE FROM THE HOUSE

The House not adopts the Conference Committee report on **SB 30**, requests a conference and appoints Representatives Johnson, Phillips and Sawyer as second conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1750—

A RESOLUTION recognizing Sharon Wenger's dedicated service to the State of Kansas and, in particular, the Kansas Legislature.

WHEREAS, Sharon Wenger began her career working for the State of Kansas with the Kansas Legislative Division of Post Audit in 1991, where she worked as a Senior Auditor until April 1998; and

WHEREAS, In 1998, Sharon was hired as the Assistant Director of the Division of Health at the Kansas Department of Health and Environment (KDHE). Sharon held that position until she was appointed Assistant Secretary in 2000. Sharon's time at KDHE ended with her serving as the Director of Epidemiology and Disease Prevention from 2002 to 2006; and

WHEREAS, In 2006, Sharon accepted a position as a research analyst with the Kansas Legislative Research Department (KLRD). In 2008, Sharon became a Principal Analyst and, from 2014 until her retirement in 2017, she was a Principal Fiscal Analyst; and

WHEREAS, In her work at KLRD, Sharon became an expert in several areas, most notably in education policy and school finance, and legislators on both sides of the aisle relied on her excellent and factual analysis; and

WHEREAS, Prior to entering into service with the State of Kansas, Sharon spent a year as the Management Assistant to the Chief Administrative Officer for the City of Topeka; and

WHEREAS, Sharon earned her Bachelor of Arts in Political Science degree from Kansas State University and her Masters in Public Administration from the University of Kansas, where she also completed a Masters-level Public Health Certificate; and

WHEREAS, Sharon has received many professional and academic honors, including being named a Kansas Health Foundation Leadership Fellow, a member of the Phi Beta Kappa honor society and a Truman Congressional Scholar; and

WHEREAS, Sharon is supported in her endeavors by her husband, Bob, and her daughter, Carrie: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Sharon Wenger's service to the State of Kansas and we wish her all the best during her well-deserved retirement; 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 1750** was adopted by voice vote.

Sharon's husband, Bob, was also present.

Senators honored Sharon with a standing ovation.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Estes the Senate nonconcurred in the House amendments to **SB 201** 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.

ORIGINAL MOTION

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

The Vice President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **HB 2280**.

The Vice President appointed Senators V. Schmidt, Billinger and Kelly as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 83**, and has appointed Representatives Barker, Highland and Ruiz as Second conferees on the part of the House.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 21, H Sub SB 60; SB 83**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 21** 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. 21, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 25; following line 25, by inserting:

"Section 1. K.S.A. 2016 Supp. 74-4914, as amended by section 4 of 2017 Senate Bill No. 205, 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 ~~subsection 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 ~~\$20,000 or more in any one such calendar year, or \$25,000 or more in any one calendar year between July 1, 2016, and July 1, 2020~~ 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 ~~prior to January 8, 2000~~. The provisions of this subsection shall not apply to any other elected officials ~~prior to the term of office of such elected official which commences on or after July 1, 2000~~. The provisions of this subsection shall apply to any other elected official, except an elected city or county officer as further provided in this subsection, on and after the term of office of such other elected official which commences on or after July 1, 2000. Notwithstanding any provisions of law to the contrary, when an elected city or county officer is retired under the provisions of subsection (1) or (4) of this section and is paid an amount of compensation of \$25,000 or more in any one calendar year between July 1, 2016, and July 1, 2020, such officer may receive such officer's salary, and still be entitled to receive such officer's retirement benefit pursuant to the provisions of K.S.A. 74-4915 et seq., and amendments thereto. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to K.S.A. 46-137a(a), (b), (c) and (d), and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$20,000 or more in any one calendar year, the member may continue

~~to receive any amount provided in K.S.A. 46-137a(b) and (d), and amendments thereto, and still be entitled to receive such member's retirement benefit.~~ 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 ~~July 1, 2020~~ 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. ~~The provisions of this subsection shall apply to members of the legislature.~~ 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. 2016 Supp. 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. ~~Any retirant employed by a school district in a position under K.S.A. 74-4937(3), (4) or (5), and amendments thereto, shall be subject to the provisions of subsection (7)(h) which relate to a limitation on the total term of employment with any participating employer in which a retirant may receive such retirant's full retirement benefit;~~

(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; ~~and~~

(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. 2016 Supp. 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.

(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. ~~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.~~ 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. ~~On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%; 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) On July 1, 2021, and at least every five years thereafter, the joint committee on pensions, investments and benefits shall study the issue of whether the compensation limitation prescribed in this subsection should be adjusted. The committee shall consider the effect of inflation and data on member retirement benefits and active employee compensation. 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. 2016 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.

~~(h) Any retirant hired by any participating employer under the provisions of subsection (7)(d) or K.S.A. 74-4937(3), (4) or (5), and amendments thereto, may continue to receive such retirant's full retirement benefit so long as, commencing July 1, 2016, such retirant's total term of employment with all participating employers under one or more of such provisions does not exceed 48 months or four school years, whichever is less. After such period, such retirant shall not receive any retirement benefit for any month in any calendar year in which such retirant receives compensation in an amount equal to \$25,000 or more in such calendar year.~~

(8) 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.

(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. 2016 Supp. 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.";

Also on page 8, in line 31, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,";

On page 9, in line 2, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,"; in line 9, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,"; in line 14, after "days" by inserting ", or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto,"; in line 17, by striking "Before July 1, 2020,"; also in line 17, after "(5)" by inserting ", (7) and (10)"; in line 24, by striking all after the second comma; in line 25, by striking all before "and"; in line 28, by striking all after "to"; by striking all in line 29; in line 30, by striking all before the period and inserting "January 1, 2018"; in line 34, after "employed" by inserting "as an independent contractor or"; in line 38, after the period by inserting "Commencing January 1, 2018, if a retirant is employed in a covered position, as defined in K.S.A. 2016 Supp. 74-49,202, and amendments thereto, the participating employer 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.";

On page 10, in line 6, after "teachers" by inserting "without a contract"; in line 11, by striking "The"; by striking all in lines 12 through 15;

On page 11, in line 6, by striking all after the period; by striking all in lines 7 through 16; in line 17, by striking all before "The"; in line 19, after "teachers" by inserting "without a contract";

On page 12, in line 7, by striking all after "on"; in line 8, by striking "2017" and inserting "January 1, 2018"; by striking all in lines 9 through 20;

On page 13, in line 19, by striking all after the period; by striking all in lines 20 through 29; in line 30, by striking all before "The"; in line 31, after "teachers" by inserting "without a contract";

On page 14, in line 21, by striking all after "on"; in line 22, by striking "2017" and inserting "January 1, 2018"; by striking all in lines 23 through 34; in line 37, by striking all after "(7)"; by striking all in lines 38 through 43;

On page 15, by striking all in lines 1 through 3; in line 4, by striking "(8)"; following line 8, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 74-49,204 is hereby amended to read as follows: 74-

49,204. The normal retirement date for a member of the system first employed by a participating employer on or after July 1, 2009, 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 K.S.A. 74-4914(10), and amendments thereto, without any prearranged agreement for employment with any participating employer, and the attainment of age 65 with the completion of five years of credited service, or age 60 with the completion of 30 years of credited service. The provisions of this section shall apply to a member of the retirement system who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto.

Sec. 4. K.S.A. 2016 Supp. 74-49,313 is hereby amended to read as follows: 74-49,313. (a) Except as provided in subsection (e), a member who has a nonforfeitable interest in the member's retirement annuity account, at any time after termination from service with any participating employer not followed by employment with any participating employer within 60 days, or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto, and without any prearranged agreement for reemployment with any participating employer, and the attainment of normal retirement age, shall receive an annuity based upon the balance in such member's retirement annuity account, using mortality rates established by the board by official action as of the member's annuity start date and an interest rate equal to the actuarial assumed investment rate of return established by the board minus 2%, as of the member's annuity start date. The legislature may from time to time prospectively change the interest rate and the board may from time to time prospectively change the mortality rates, and the legislature expressly reserves such rights to do so.

(b) Except as provided in subsection (e), a member who has a vested interest in the member's retirement annuity account, who terminates covered employment with any participating employer not followed by employment with any participating employer within 60 days, or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto, and without any prearranged agreement for reemployment with any participating employer, without forfeiting such member's account, with the completion of at least 10 years of service, shall be eligible to receive, upon attainment of age 55, an annuity based upon employer credits and interest credits in such member's retirement annuity account, using mortality rates established by the board by official action as of the member's annuity start date and an interest rate established by the legislature as of the member's annuity start date, and such interest rate shall be equal to the actuarially assumed investment rate of return established by the board minus 2%, as of the member's annuity start date. The legislature may from time to time prospectively change the interest rate and the board may from time to time prospectively change the mortality rates, and the legislature expressly reserves such rights to do so.

(c) The form of benefit payable under subsections (a) and (b) shall be a single life annuity with 10-year certain. The member may elect any option described in K.S.A. 74-4918, and amendments thereto, except the partial lump-sum option, subject to actuarial factors established by the board from time to time. The benefit option selected may include a self-funded cost-of-living adjustment feature, in which the account value is converted to a benefit amount that increases by a fixed percentage over time. One or more fixed percentages shall be established by the board, which may be changed from time to time. In lieu of a part of an annuity, for a member entitled to a benefit under

subsection (a), the member may elect to receive a lump-sum of such member's retirement annuity account of any fixed dollar amount or percent, but in no event may the lump-sum option elected under this section and the lump-sum option elected under K.S.A. 2016 Supp. 74-49,311(a), and amendments thereto, exceed 30% of the total value of such member's annuity savings account and retirement annuity account.

(d) Except as provided in subsection (e), in the case of an active or inactive member:

- (1) Who is vested in the member's retirement annuity account;
- (2) who has five or more years of service at death; and
- (3) who dies before attaining normal retirement age, with such member's spouse at time of death designated as such member's sole primary beneficiary, the member's surviving spouse on and after the date the member would have attained normal retirement age had such member not died, shall receive an annuity based upon employer credits and interest credits in the retirement annuity account, using factors established by the board by official action as of the beneficiary's annuity start date. The form of benefit shall be a single life annuity with 10-year certain.

(e) If a member's vested retirement annuity account is less than \$1,000 upon separation from service, or the total of the member's vested retirement annuity account and annuity savings account balance is less than \$1,000, the account balance or balances shall be mandatorily distributed to the member in accordance with section 401(a)(31)(B) of the federal internal revenue code. If the member does not elect to have such distribution paid directly to an eligible retirement plan specified by the participant in a direct rollover or to receive the distribution directly, then the board will pay the distribution to the member directly.";

Also on page 15, in line 9, by striking "74-4914f and" and inserting "as amended by section 4 of 2017 Senate Bill No. 205,"; also in line 9, after "74-4937" by inserting ", 74-49,204 and 74-49,313";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking the first "and" and inserting ", as amended by section 4 of 2017 Senate Bill No. 205,"; also in line 3, after "74-4937" by inserting ", 74-49,204 and 74-49,313"; in line 4, by striking "; also repealing K.S.A. 2016 Supp. 74-4914f";

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

JIM KELLY

RANDY POWELL

GAIL FINNEY

Conferees on part of House

JEFF LONGBINE

RICK BILLINGER

LYNN ROGERS

Conferees on part of Senate

Senator Longbine moved the Senate adopt the Conference Committee Report on **H Sub SB 21**.

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, Denning, Doll, Estes, Faust-

Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pyle.

Absent or Not Voting: Bowers.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 60** 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. 60, as follows:

On page 2, by striking all in lines 9 through 17; in line 18, by striking all before "The"; in line 32, after the period by inserting "The secretary of agriculture shall reduce the inspection fee by adopting rules and regulations under this section whenever the secretary determines that the inspection fee is yielding more than is necessary for the purpose of administering the provisions of this act. The secretary may increase the inspection fee by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purpose of administering the provisions of this act, except that the inspection fee shall not be increased in excess of the maximum fee prescribed by this section.";

Also, on page 2, following line 32, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 2-2204 is hereby amended to read as follows: 2-2204. (a) Every agricultural chemical which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered by the secretary. The secretary shall have the authority to classify or designate as restricted-use any pesticide registered for sale, use or distribution in the state of Kansas, according to rules and regulations promulgated by the secretary. The secretary may adopt rules and regulations to allow products to be registered for a period not to exceed three years. All registration of products shall expire on December 31 of the year the registration is set to expire, unless such registration shall be renewed, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated. Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same agricultural chemical may be registered as a single product and additional names and labels shall be added by supplement statements during the current period of registration. Within the discretion of the secretary, or an authorized representative of the secretary, a change in the labeling or formulas of an agricultural chemical may be made within the current period of registration without requiring a reregistration of the product. Any agricultural chemical imported into this state which is subject to the provisions of any federal act providing for the registration and which has been duly registered under the provisions of such federal act, in the discretion of the secretary, may be exempted from registration under this act when such agricultural chemical is sold or distributed in the unbroken immediate container in which such

agricultural chemical was originally shipped.

(b) The registrant shall file with the secretary, a statement including: (1) The name and address of the registrant and the name and address of the person whose name will appear on the label if other than the registrant; (2) the name of the agricultural chemical; (3) a complete copy of the labeling accompanying the agricultural chemical and a statement of all claims made and to be made for it and a statement of directions for use; and (4) if requested by the secretary, or an authorized representative of the secretary, a full description of the tests made and the results thereof upon which the claims are based.

(c) The secretary may require the registrant to submit a copy of the product label registered by the EPA under the provisions of FIFRA.

(d) Any time the registrant modifies the label, the modified label shall be submitted to the secretary for review and approval prior to implementing the new label in Kansas.

(e) On the date of registration, the registrant shall pay a fee fixed by rules and regulations adopted by the secretary of agriculture. Such fee shall equal an amount per registered agricultural chemical, not to exceed \$150 per year. Such fee shall be deposited in the state treasury and credited as follows: (1) An amount equal to \$100 for each year of registration shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto; and (2) the remainder shall be credited to the agricultural chemical fee fund to be used for carrying out the provisions of this act. The annual fee for each agricultural chemical registered which is in effect on the day preceding the effective date of this act shall continue in effect until the secretary of agriculture adopts rules and regulations fixing a different fee therefor under this subsection. ~~The secretary of agriculture is hereby authorized and empowered, shall reduce the fee imposed by this subsection by adopting rules and regulations whenever the secretary determines that the fee imposed by this subsection and paid into the state treasury as provided by law is yielding more revenue than is required for the purposes to which such fee is devoted by law, to reduce the fee imposed by this subsection for such period as the secretary shall deem justified by adopting rules and regulations under this subsection but not for less than one year. In the event that the secretary, after reducing such fee, finds that sufficient revenues are not being produced by such reduced fee, the secretary is authorized and empowered, may increase the fee by adopting rules and regulations under this subsection, to restore in full or in part such fee to an amount which, in the judgment of the secretary, will produce sufficient revenues for the purposes as provided in this section, but not exceeding the maximum amount of the fee imposed by this subsection.~~

(f) The secretary, or an authorized representative of the secretary, whenever it is deemed essential in the administration of this act, may require the submission of the complete formula or any other data in support of the registration for any pesticide. The complete formula and any other trade secrets submitted to support the registration application shall be considered as confidential. If it appears to the secretary, or an authorized representative of the secretary, that the composition of the product is such as to warrant the proposed claims for the product and if the product and its labeling and other material required to be submitted comply with the requirements of this act, the secretary shall register the product.

(g) If it does not appear to the secretary, or an authorized representative of the secretary, that the product is such as to warrant the proposed claims for it or if the

product and its labeling and other material required to be submitted do not comply with the provisions of this act, the secretary shall notify the registrant of the manner in which the product, labeling, or other material required to be submitted fail to comply with the act and rules and regulations adopted pursuant thereto so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant does not make the required changes within 30 days, the secretary may deny registration of the product. In addition, the secretary may deny registration of a product if the application for registration fails to comply with this act or any rule or regulation adopted pursuant thereto. If the secretary denies a registration, the registrant may request a hearing in accordance with the provisions of the Kansas administrative procedure act.

(h) Any pesticide registration canceled or suspended under the provisions of FIFRA shall be considered to be canceled or suspended under provisions of the agricultural chemical act of 1947, unless such cancellation is due to the nonpayment of registration fees required under FIFRA.

(i) If the secretary determines that a registered product fails to meet the claims made on its label, the secretary may suspend or revoke the product registration after a hearing in accordance with the provisions of the Kansas administrative procedure act. In addition, if the secretary determines that a registered product or its labeling fails to comply with this act, or a rule or regulation adopted pursuant to this act, the secretary may suspend or revoke the product registration after a hearing in accordance with the provisions of the Kansas administrative procedure act.

(j) In order to protect the public, the secretary, or a duly authorized representative of the secretary, on the secretary's own motion, may at any time, after written notice to the registrant, suspend or revoke the registration of an agricultural chemical. Any person so notified shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act with regard to the secretary's contemplated action, before any registration is suspended or revoked.

(k) Notwithstanding any other provisions of this act, registration is not required in the case of an agricultural chemical shipped from one plant within this state to another plant within this state operated by the same person.

(l) Any information required to be filed pursuant to this section, may be filed electronically pursuant to rules and regulations promulgated by the secretary.";

On page 13, in line 12, after "and" by inserting "may be up to 6% of such applicable fee amount, but";

On page 21, in line 7, after the first comma by inserting "2-2204,"; in line 8, by striking ", 65-781";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the first comma by inserting "2-2204,";

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

KYLE HOFFMAN

KENT THOMPSON

SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN
 BUD ESTES
 MARCI FRANCISCO

Conferees on part of Senate

Senator Kerschen moved the Senate adopt the Conference Committee Report on **H Sub SB 60**.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Berger, Billinger, Bollier, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Fitzgerald, Hilderbrand, Olson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Bowers.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

JOHN BARKER
 RON HIGHLAND
 LOUIS RUIZ

Conferees on part of House

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDAU

Conferees on part of Senate

On motion of Senator Estes the Senate adopted the conference committee report on **SB 83**, and requested a new conference be appointed.

The President appointed Senators Estes, Olson and Faust-Goudeau as a second Conference Committee on the part of the Senate on **SB 83**.

On motion of Senator Denning, the Senate recessed until 2:30 p.m.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Sub HB 2277**.

The House accedes to the request of the Senate for a conference on **SB 201** and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

On motion of Senator Petersen, the Senate adjourned until 10:00 a.m., Wednesday, May 24, 2017.

Journal of the Senate

SEVENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 24, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senators Bowers was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, in the beginning; in Genesis, the book of beginning began, You designed it to support humanity...to support us.

Then, to sustain us, after creating a place for us, You equipped it with plants and animals, fish and fowl; and everything we'd need. Then out of the dust, You brought forth the crown...the pinnacle of Your creation. You created us in Your image. You gave us the power of choice; the greatest privilege of all creation. So that in the same way that You chose to love us, we could choose to love You.

And based on Your Word, in Deuteronomy 6:5 and Matthew 22:36-40, what pleases You is love...to love You in the vertical, with all that we have and then to love others in the horizontal, as we love ourselves.

So Lord, by the loving guidance of Your Holy Spirit, help us to mimic You. In the same way that You were creative and made choice to love us, help us to be creative in choosing ways to love.

As we interact with others, whether at work, crafting legislation or at home engaging with loved ones, or in the community meeting with people, I pray that Love prevails. And Lord, when we fall short, because we'll never be perfect lovers, give us a nudge...prick our conscience and give us a push. For the only way we can become better lovers, is for You to jolt us into changing attitudes and actions that hinder the flow.

Help us to choose truthfulness verses deception, empathy more than sympathy, a desire to be understanding rather than to simply reject, to seek good over evil, peace over turmoil, harmony over discord and expressions of love over hate.

Let the stamp...the mark...the symbol of Your image of love permeate and prevail, in all that we do.

And lastly Lord, thank You for another answer to prayer. We asked You to bless Joyce Dugan, 2 year old daughter of Mark and Karris, who was in a coma after falling and hitting her head. Thanks for guiding the medical profession and bringing her out of that coma. We pray for her continued recovery.

I come to You, in the Name of Him who loved us to death, Amen and 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:

SB 253, AN ACT concerning insurance; pertaining to health benefit plans and dental plans; establishing the prompt payment act; amending K.S.A. 2016 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1751—

A RESOLUTION commemorating the 100th anniversary of Boy Scout Troop 301.

WHEREAS, Boy Scout Troop 301, known as "Troop 1," from Hutchinson and chartered to the First Presbyterian Church in Hutchinson, has reached its 100th year of continuous service; and

WHEREAS, Troop 1 was established in 1917 and has produced 653 Eagle Scouts, which is a notable achievement for a Troop of their size; and

WHEREAS, The first Eagle Scout from Troop 1 was Charles Grimes Colladay who achieved this honor in 1931; and

WHEREAS, Troop 1 has had 23 men serve as Scoutmaster. Notable Scoutmasters include Mr. A. Lewis Oswald, who served from 1930 until 1943 and helped establish many of the traditions Troop 1 still practices today, and Mr. Paul Dillon, who served an incredible 25 years from 1955 until 1980 and established the Troop 1 expectation that all Scouts should strive to become Eagle Scouts; and

WHEREAS, Troop 1 has left a lasting mark on the Hutchinson community through the many thousands of hours of community service the Scouts have performed and the numerous Eagle Scout projects they have completed; and

WHEREAS, Through the tireless efforts of the Scoutmasters, the Scouts, and their families, Troop 1 has helped countless young men to always "Be Prepared": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 100th anniversary of Boy Scout Troop 301; and

Be it further resolved: That the Secretary of the Senate shall send 12 enrolled copies of this resolution to Senator Berger.

On emergency motion of Senator Berger **SR 1751** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

CHANGE OF REFERENCE

The Vice President withdrew **HB 2186** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Senate Select Committee on Education Finance**.

On motion of Senator Petersen, the Senate recessed until the sound of the gavel.

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

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **Senate Substitute for HB 2278**, as amended by Senate Committee of the Whole, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2016 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. Subject to the provisions of K.S.A. 2016 Supp. 75-7c20, and amendments thereto:

(a) The carrying of a concealed handgun shall not be prohibited in any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general.

(b) Nothing in this act shall be construed to prevent any private employer from restricting or prohibiting by personnel policies persons from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises.

(c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is legally qualified, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of this section:

- (1) A unified school district;
- (2) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto;
- (3) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;
- (4) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;
- (5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or
- (6) an indigent health care clinic, as defined by K.S.A. 2016 Supp. 65-7402, and

amendments thereto.

(e) No public employer shall restrict or otherwise prohibit by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while engaged in the duties of such employee's employment outside of such employer's place of business, including while in a means of conveyance. Public employers shall not be liable for any wrongful or negligent act of an employee carrying a concealed handgun that is not being carried in the course and scope of such employee's employment, concerning acts or omissions regarding such handguns.

(f) (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (j). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer, as that term is defined in K.S.A. 2016 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2016 Supp. 75-7c22(a) or (b), and amendments thereto, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(g) The provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.

(h) For the purposes of this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2016 Supp. 75-7c20, and amendments thereto;

(2) "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles; and

(3) "public employer" means the state and any municipality as those terms are defined in K.S.A. 75-6102, and amendments thereto, except the term "public employer" shall not include school districts.

(i) Nothing in this act shall be construed to authorize the carrying or possession of a handgun where prohibited by federal law.

(j) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

(1) The signs be posted at all exterior entrances to the prohibited buildings;

(2) the signs be posted at eye level of adults using the entrance and not more than

12 inches to the right or left of such entrance;

(3) the signs not be obstructed or altered in any way; and

(4) signs which become illegible for any reason be immediately replaced.";

On page 4, in line 9, after the stricken material by inserting a colon; in line 10, before "any" by inserting "(1)"; in line 11, by striking the period and inserting a semicolon; by striking all in lines 12 through 19; in line 20, by striking "(A)" and inserting "(2)"; in line 22, by striking "(B)" and inserting "(3)"; in line 24, by striking "(C)" and inserting "(4)"; in line 26, by striking "(D)" and inserting "(5)"; in line 28, by striking "(E)" and inserting "(6)"; by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 through 7;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 6, in line 12, after "Supp." by inserting "75-7c10 and"; also in line 12, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "concerning the liability of public employers;"; also in line 3, after "Supp." by inserting "75-7c10 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, May 25, 2017.

Journal of the Senate

SEVENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 25, 2017, 10:00 a.m.

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

The roll was called with 38 senators present.

Senators Haley and Hawk were excused.

Vice President Longbine introduced guest chaplain, Reverend Jeff Clinger, First UMC, Topeka to deliver the invocation:

Dear God, we are still here. Help us. We know that You are present, always and everywhere, and so we bow before You as we gather here once again...Help us. We confess to you, O God, that we often neglect to acknowledge Your presence. In our going, and doing, and striving, and planning, and scheming, we get wrapped up in our efforts and ideas and answers. Help us. Help us open ourselves to You, in this place, at this time. Help us be open, O God, to the possibility that we might not be right. Remind us of Your presence. Open us to Your presence. Transform us with Your presence. Be with us, this day, and always, O God. So that we might utilize the gifts You have given us, not for our own agendas and to our own ends, but for the betterment of all in this great state and throughout Your creation. In Your Holy Name, 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:

Public Health and Welfare: **SB 253**.

MESSAGES FROM THE GOVERNOR

H Sub SB 40, H Sub SB 120; SB 149 approved on May 24, 2017.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1752—

A RESOLUTION congratulating and commending the Turner High School boys swimming and diving team for winning their first state championship event.

WHEREAS, The Turner High School Golden Bears boys swimming and diving team competed in the Kansas State High School Activities Association Class 5-1A state swimming meet on February 16-18, 2017, in Topeka; and

WHEREAS, The Golden Bears won their first state championship event in school history by winning the gold medal in the 200 freestyle relay; and

WHEREAS, The Golden Bears' winning time of 1:29.21 broke the previous meet record set by Wichita Heights High School in 2015; and

WHEREAS, Members of the relay team are: Seniors Gabe Pena, Thomas Xiong and Ashton Chowning; and junior Ethan Harrity; and

WHEREAS, The team is led by coaches Ryan Lee and Sophie Pena; and

WHEREAS, Dr. Alan Penrose is the proud principal of Turner High School: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Turner High School boys swimming and diving team for winning their first state championship event, and we wish them success in their future endeavors; and

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

On emergency motion of Senator Pettey **SR 1752** was adopted by voice vote.

Guests introduced were Dr. Alan Penrose, Ben Sutherlin, Gabe Pena, Ethan Harrity, Thomas Ziong, Micky Ziong, Brian Ziong, Ashton Cowning and Ryan Lee.

Senators honored the team with a standing ovation.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **Sub HB 2230**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

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 V. Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

Sub HB 2230 be amended by the adoption of the committee amendments, be further amended by motion of Senator Billinger: on page 5, following line 32, by inserting:

"(o) No exemption authorized by K.S.A. 79-227, and amendments thereto, of property from the payment of ad valorem property taxes assessed shall be granted unless the requesting property owner files an initial request for exemption pursuant to this section within two years of the date in which construction of a new qualifying pipeline property began. The provisions of this subsection shall be applicable to all requests for exemptions filed in accordance with subsection (a) after June 30, 2017.";

On page 1, in the title, in line 4, after the semicolon by inserting "time limitations for filing request for exemption for certain qualifying pipeline property;"

and **Sub HB 2230** 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 **Sub HB 2230** was advanced to Final Action and roll call.

Sub HB 2230, AN ACT concerning property taxation; relating to exemptions; property owned by a redevelopment authority and located in a redevelopment district within a former federal enclave; allowing county appraisers to exempt certain property without order from the board of tax appeals; time limitations for filing request for exemption for certain qualifying pipeline property; amending K.S.A. 2016 Supp. 79-213 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Haley, Hawk.

The substitute bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education Finance** recommends **HB 2186**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2186," as follows:

"Senate Substitute for HOUSE BILL No. 2186

By Select Committee on Education Finance

"AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the Kansas school equity and enhancement act; amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by section 92 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482 and 75-2319, as amended by section 46 of Senate Substitute for Substitute for House Bill No. 2052.";

And the substitute bill be passed.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2410**.

The House concurs in Senate amendments to **S Sub HB 2132**, and requests return of the bill.

Announcing adoption of **HCR 5015**.

The House adopts the Conference Committee report on **SB 83**.

The House adopts the Conference Committee report on **SB 201**.

The House announced the appointment of Representative Ward as a conferee on **SB 30** to replace Representative Sawyer

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2410; HCR 5015 were thereupon introduced and read by title.

HCR 5015, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2017 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Denning, **HCR 5015** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1749, SR 1750, SR 1751 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 25, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 30, 2017.

Journal of the Senate

SEVENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 30, 2017, 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, we're returning to these halls today, after a pause. You gave us time to do some reflecting; a time to think about, celebrate and express our gratefulness for those whose lives have been a blessing to us; not only those who have served in the military, but those who have served domestically; parents, grandparents, aunts, uncles, loved ones who poured into our lives.

We stand today on the shoulders of men and women who have given of themselves. They gave to provide for us personally, and for this country nationally, the freedoms and opportunities we enjoy today.

We're indebted to them...but even more so to You. For You inspired them. You enabled them. You gave them the determination to not give up. But to fight for and, if necessary, even die for the qualities of life we have today.

Through their dedication and the sacrifices, You led them to make, we can say, our living is the better.

Help us to not only stand on their shoulders and enjoy present day privileges, but help us reach higher. Use us to make life even better for those coming along behind.

Lord, let the day come, when those coming behind us, express gratefulness to You, for using us, to make life better for them.

I come to You again, in memory of, and in the name of Jesus, who loved us to death. Amen and 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:

Senate Select Committee on Education Finance: **Sub HB 2410.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1753—

A RESOLUTION commemorating May 29, 2017, as the 100th anniversary of the birth of President John Fitzgerald Kennedy.

WHEREAS, John Fitzgerald Kennedy was born on May 29, 1917, in Brookline, Massachusetts. He was the second son of Joseph P. Kennedy and Rose Fitzgerald Kennedy, and was taught by his parents at an early age that his family's wealth brought a responsibility to help those who were less fortunate; and

WHEREAS, John Fitzgerald Kennedy, often referred to as JFK, was elected President of the United States in 1960 and was the first and only Roman Catholic to ever be elected President. At age 43, JFK was the youngest person ever elected President and the first person born in the 20th century to have served as President; and

WHEREAS, During the 1960 campaign, JFK and his opponent, Richard Nixon, appeared in the first televised presidential debates. JFK became the first "television" President, addressing the nation with many speeches and frequent news conferences, which aired on the major television networks; and

WHEREAS, JFK was sworn in as the 35th President on January 20, 1961. In his inaugural address, he spoke of the need for all Americans to be active citizens, and he famously remarked, "Ask not what your country can do for you, ask what you can do for your country." He also asked the nations of the world to join together to fight what he called the "common enemies of man: Tyranny, poverty, disease and war itself"; and

WHEREAS, JFK's domestic program was known as the "New Frontier," which ambitiously promised federal funding for education, medical care for the elderly, government intervention to halt the recession in the early 1960s, income tax reform, and an end to racial discrimination. He supported racial integration and civil rights, and he accomplished this by sending United States Marshals to integrate southern universities and by promoting legislation that would become the Civil Rights Act of 1964; and

WHEREAS, JFK's most famous foreign policy programs were the Alliance for Progress and the Peace Corps, which helped underdeveloped nations in areas such as education, farming, health care and construction projects. Troubled by the dangers of nuclear weapons proliferation, JFK pushed for the adoption of the Nuclear Test Ban Treaty. He established the space program and set a goal of landing a man on the moon by the end of the 1960s; and

WHEREAS, When U-2 spy planes photographed a Soviet missile site under construction in Cuba in 1962, JFK proposed a naval blockade of all ships in Cuban waters. This crisis, known as the Cuban Missile Crisis, which brought the world closer to nuclear war than at any time in history, was successfully averted; and

WHEREAS, JFK and his wife, Jacqueline, were extraordinarily popular and, along with their two young children, Caroline and John Jr., brought new life and vigor to the White House. The Kennedys made it a place to celebrate American history, culture, and achievement by inviting artists, writers, scientists, poets, musicians, actors, and Nobel Prize winners to visit. Jacqueline also restored all the rooms in the White House, and the charisma of JFK and his family led to the figurative label of "Camelot" for his administration; and

WHEREAS, On November 22, 1963, in Dallas, Texas, President Kennedy was assassinated while traveling in his motorcade and was pronounced dead at 1:00 p.m. CST – a moment so tragic in American history that most people still remember where

they were and what they were doing when they heard the news. His death caused enormous sadness and grief among Americans and people across the globe, and millions watched his funeral and burial on television; and

WHEREAS, President Kennedy stands out in people's memories for his leadership, personality, wit, charm, and accomplishments, and he is regarded as an icon of American hope and aspirations for every new generation of Americans: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate May 29, 2017, as the 100th anniversary of the birth of President John Fitzgerald Kennedy; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the John F. Kennedy Library and Museum, c/o James Roth, Acting Director, Columbia Point, Boston, Massachusetts 02125.

On emergency motion of Senator Hensley **SR 1753** was adopted by voice vote.

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 83, SB 201; HB 2092**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 42** 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. 42, as follows:

On page 4, in line 10, by striking "or" and inserting "and"; in line 11, by striking all after "(B)"; in line 12, by striking "(2)"; in line 13, before the period, by inserting "; or

(2) has absconded from supervision";

On page 23, following line 20, by inserting:

"Sec. 12. K.S.A. 2016 Supp. 38-2398 is hereby amended to read as follows: 38-2398. (a) For purposes of determining release of a juvenile from probation, the supreme court, in consultation with the department of corrections, shall establish rules for a system of earned discharge for juvenile probationers to be applied by all community supervision officers. A probationer shall be awarded earned discharge credits while on probation for each full calendar month of compliance with terms of supervised probation pursuant to the rules developed by the supreme court.

(b) The state of Kansas, the secretary of corrections, the secretary's agents or employees, the office of judicial administration and court services officers shall not be liable for damages caused by any negligent or wrongful act or omission in making the earned discharge credit calculations authorized by this section.;

On page 30, in line 12, by striking the first comma and inserting "and"; in line 14, after the fourth comma by inserting "38-2398,";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, by striking the first comma and inserting "and"; in line 11, after the second comma by inserting "38-2398,";

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

RUSS JENNINGS
 JOHN WHITMER
 DENNIS HIGHBERGER
Conferees on part of House

RICHARD WILBORN
 JULIA LYNN
 DAVID HALEY
Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **H Sub SB 42**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 5; following line 5, by inserting:

"Section 1. K.S.A. 2016 Supp. 65-6709 is hereby amended to read as follows: 65-6709. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(a) At least 24 hours before the abortion the physician who is to perform the abortion or the referring physician has informed the woman in writing, which shall be provided on white paper in a printed format in black ink with 12-point times new roman font, of:

(1) ~~The name of~~ following information concerning the physician who will perform the abortion;

(A) The name of such physician;

(B) the year in which such physician received a medical doctor's degree;

(C) the date on which such physician's employment commenced at the facility where the abortion is to be performed;

(D) whether any disciplinary action has been taken against such physician by the state board of healing arts by marking either a box indicating "yes" or a box indicating "no" and if the box indicating "yes" is marked, then provide the website addresses to the board documentation for each disciplinary action;

(E) whether such physician has malpractice insurance by marking either a box indicating "yes" or a box indicating "no";

(F) whether such physician has clinical privileges at any hospital located within 30 miles of the facility where the abortion is to be performed by marking either a box indicating "yes" or a box indicating "no" and if the box indicating "yes" is marked, then provide the name of each such hospital and the date such privileges were issued;

(G) the name of any hospital where such physician has lost clinical privileges; and

(H) whether such physician is a resident of this state by marking either a box indicating "yes" or a box indicating "no";

(2) a description of the proposed abortion method;

(3) a description of risks related to the proposed abortion method, including risk of premature birth in future pregnancies, risk of breast cancer and risks to the woman's reproductive health and alternatives to the abortion that a reasonable patient would consider material to the decision of whether or not to undergo the abortion;

(4) the probable gestational age of the unborn child at the time the abortion is to be performed and that Kansas law requires the following: "No person shall perform or induce an abortion when the unborn child is viable unless such person is a physician and has a documented referral from another physician not financially associated with the physician performing or inducing the abortion and both physicians determine that: (1) The abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible physical impairment of a major bodily function of the pregnant woman." If the child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child;

(5) the probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed;

(6) the contact information for counseling assistance for medically challenging pregnancies, the contact information for perinatal hospice services and a listing of websites for national perinatal assistance, including information regarding which entities provide such services free of charge;

(7) the medical risks associated with carrying an unborn child to term; and

(8) any need for anti-Rh immune globulin therapy, if she is Rh negative, the likely consequences of refusing such therapy and the cost of the therapy.

(b) At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician or a qualified person has informed the woman in writing that:

(1) Medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and described in K.S.A. 65-6710, and amendments thereto;

(2) the informational materials in K.S.A. 65-6710, and amendments thereto, are available in printed form and online, and describe the unborn child, list agencies which offer alternatives to abortion with a special section listing adoption services and list providers of free ultrasound services;

(3) the father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion except that in the case of rape this information may be omitted;

(4) the woman is free to withhold or withdraw her consent to the abortion at any time prior to invasion of the uterus without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled;

(5) the abortion will terminate the life of a whole, separate, unique, living human being; and

(6) by no later than 20 weeks from fertilization, the unborn child has the physical structures necessary to experience pain. There is evidence that by 20 weeks from fertilization unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are 20 weeks from fertilization or older who undergo prenatal surgery.

(c) At least 30 minutes prior to the abortion procedure, prior to physical preparation for the abortion and prior to the administration of medication for the abortion, the woman shall meet privately with the physician who is to perform the abortion and such person's staff to ensure that she has an adequate opportunity to ask questions of and obtain information from the physician concerning the abortion.

(d) At least 24 hours before the abortion, the woman is given a copy of the informational materials described in K.S.A. 65-6710, and amendments thereto. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

(e) The woman certifies in writing on a form provided by the department, prior to the abortion, that the information required to be provided under subsections (a), (b) and (d) has been provided and that she has met with the physician who is to perform the abortion on an individual basis as provided under subsection (c). All physicians who perform abortions shall report the total number of certifications received monthly to the department. The total number of certifications shall be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto. The department shall make the number of certifications received available on an annual basis.

(f) Prior to the performance of the abortion, the physician who is to perform the abortion or the physician's agent receives a copy of the written certification prescribed by subsection (e) of this section.

(g) The woman is not required to pay any amount for the abortion procedure until the 24-hour waiting period has expired.

(h) A physician who will use ultrasound equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to view the ultrasound image of her unborn child, at no additional expense to her;

(2) informs the woman that she has the right to receive a physical picture of the ultrasound image, at no additional expense to her;

(3) offers the woman the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image;

(4) certifies in writing that the woman was offered the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image at least 30 minutes prior to the performance of the abortion; and

(5) obtains the woman's signed acceptance or rejection of the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image.

If the woman accepts the offer and requests to view the ultrasound image, receive a physical picture of the ultrasound image or both, her request shall be granted by the physician at no additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image was offered.

(i) A physician who will use heart monitor equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to listen to the heartbeat of her unborn child, at no additional expense to her;

(2) offers the woman the opportunity to listen to the heartbeat of her unborn child;

(3) certifies in writing that the woman was offered the opportunity to listen to the heartbeat of her unborn child at least 30 minutes prior to the performance of the abortion; and

(4) obtains the woman's signed acceptance or rejection of the opportunity to listen to the heartbeat of her unborn child.

If the woman accepts the offer and requests to listen to the heartbeat of her unborn child, her request shall be granted by the physician at no additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to listen to the heartbeat of her unborn child was offered.

(j) The physician's certification required by subsections (h) and (i) together with the pregnant woman's signed acceptance or rejection of such offer shall be placed in the woman's medical file in the physician's office and kept for 10 years. However, in the case of a minor, the physician shall keep a copy of the certification and the signed acceptance or rejection in the minor's medical file for five years past the minor's majority, but in no event less than 10 years.

(k) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed shall conspicuously post a sign in a location so as to be clearly visible to patients. The sign required pursuant to this subsection shall be printed with lettering that is legible and shall be at least three quarters of an inch boldfaced type. The sign shall include the address for the pregnancy resources website published and maintained by the department of health and environment, and the following text:

Notice: It is against the law for anyone, regardless of their relationship to you, to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence. You have the right to change your mind at any time prior to the actual abortion and request that the abortion procedure cease. It is unlawful for anyone to make you have an abortion against your will, even if you are a minor. The father of your child must provide support for the child, even if he has offered to pay for an abortion. If you decide not to have an abortion, you may qualify for financial help for pregnancy, childbirth and newborn care. If you qualify, medicaid will pay or help pay the cost of doctor, clinic, hospital and other related medical expenses, including childbirth delivery

services and care for your newborn baby. Many agencies are willing to provide assistance so that you may carry your child to term, and to assist you after your child's birth.

The provisions of this subsection shall not apply to any private office, freestanding surgical outpatient clinic or other facility or clinic which performs abortions only when necessary to prevent the death of the pregnant woman.

(l) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed that has a website shall publish an easily identifiable link on the homepage of such website that directly links to the department of health and environment's website that provides informed consent materials under the woman's-right-to-know act. Such link shall read: "The Kansas Department of Health and Environment maintains a website containing information about the development of the unborn child, as well as video of sonogram images of the unborn child at various stages of development. The Kansas Department of Health and Environment's website can be reached by clicking here."

(m) For purposes of this section:

(1) The term "human being" means an individual living member of the species of homo sapiens, including the unborn human being during the entire embryonic and fetal ages from fertilization to full gestation.

(2) The term "medically challenging pregnancy" means a pregnancy where the unborn child is diagnosed as having: (A) A severe anomaly; or (B) an illness, disease or defect which is invariably fatal.

New Sec. 2. If any of the provisions of article 67 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, are temporarily or permanently enjoined or otherwise restricted and not given their full force and effect by judicial order, all other provisions of article 67 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, not so enjoined or otherwise restricted shall be enforced as though such enjoined or otherwise restricted provisions had not been enacted, provided, that if any such temporary or permanent injunction or other judicial order is stayed, lifted, dissolved or otherwise ceases to have effect, then such provisions shall have full force and effect.";

Also on page 2, in line 6, by striking "55-1807" and inserting "2016 Supp. 65-6709"; in line 8, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the Kansas propane safety and licensing act" and inserting "abortion; relating to the woman's-right-to-know act; relating to certain physician information to be disclosed"; in line 2, by striking "55-1807" and inserting "2016 Supp. 65-6709";

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

JOHN BARKER

RON HIGHLAND

Conferees on part of House

BUD ESTES

ROB OLSON

Conferees on part of Senate

Senator Olson moved the Senate adopt the Conference Committee Report on **SB 83**.
 Senator Sykes offered a substitute motion to not adopt the Conference Committee Report on **SB 83** and appoint a new conference.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 23; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bollier, Doll, Faust-Goudeau, Francisco, Givens, Hardy, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Absent or Not Voting: Haley.

The motion failed.

The Senate returned to Senator Olson's motion to adopt the Conference Committee Report on **SB 83**.

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, V. Schmidt, Skubal, Sykes.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: Sixty-five percent of Kansas abortions are first time events, with the great majority of women knowing nothing about the procedure or the abortion provider, including the provider's training, skill or access to hospital facilities in the case of an emergency. Before this legislation in Kansas, there was no way for women to know when a clinic had a 100% turnover of their staff in 3 years, or about the recent hire of a 76-year-old neurologist that would give abortions but has not had ob-gyn training, or many other various issues that could endanger their health, but would likely be well known for other medical services because in that case there are no privacy concerns. Because of the nature of abortion, however, which causes women to want privacy for a variety of reasons, women need ready access to this information to make the best decisions for their care. I vote "Yes."—MARY PILCHER-COOK

Senators Baumgardner, Estes, Fitzgerald, Lynn and Masterson request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on **SB 83**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 201** submits the following report:

The House recedes from all of its amendments to the bill.

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

JOHN BARKER
 RON HIGHLAND
 LOUIS RUIZ

Conferees on part of House

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Estes moved the Senate adopt the Conference Committee Report on **SB 201**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2092** 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 14, following line 42, by inserting:

"Section 1. K.S.A. 2016 Supp. 21-6620 is hereby amended to read as follows: 21-6620. (a) (1) Except as provided in subsection (a)(2) and K.S.A. 2016 Supp. 21-6618 and 21-6622, and amendments thereto, if a defendant is convicted of the crime of capital murder and a sentence of death is not imposed pursuant to ~~subsection (c) of~~ K.S.A. 2016 Supp. 21-6617(e), and amendments thereto, or requested pursuant to ~~subsection (a) or (b) of~~ K.S.A. 2016 Supp. 21-6617(a) or (b), and amendments thereto, the defendant shall be sentenced to life without the possibility of parole.

(2) (A) Except as provided in subsection (a)(2)(B), a defendant convicted of attempt to commit the crime of capital murder shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(B) The provisions of subsection (a)(2)(A) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the defendant, because of the defendant's criminal history classification, ~~is~~ would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range ~~exceeds~~ would exceed 300 months ~~if the sentence established for a severity level 1 crime was imposed~~. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range. The defendant

shall not be eligible for parole prior to serving such mandatory minimum term of imprisonment, and such mandatory minimum term of imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(b) The provisions of this subsection shall apply only to the crime of murder in the first degree as described in ~~subsection (a)(2)~~ of K.S.A. 2016 Supp. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014.

(1) Except as provided in subsection (b)(2), a defendant convicted of murder in the first degree as described in ~~subsection (a)(2)~~ of K.S.A. 2016 Supp. 21-5402(a)(2), and amendments thereto, shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(2) The provisions of subsection (b)(1) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the defendant, because of the defendant's criminal history classification, ~~is~~ would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range ~~exceeds~~ would exceed 300 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range. The defendant shall not be eligible for parole prior to serving such mandatory minimum term of imprisonment, and such mandatory minimum term of imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(c) The provisions of this subsection shall apply only to the crime of murder in the first degree based upon the finding of premeditated murder committed on or after July 1, 2014.

(1) (A) Except as provided in subsection (c)(1)(B), a defendant convicted of murder in the first degree based upon the finding of premeditated murder shall be sentenced pursuant to K.S.A. 2016 Supp. 21-6623, and amendments thereto, unless the sentencing judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose the sentence specified in subsection (c)(2).

(B) The provisions of subsection (c)(1)(A) requiring the court to impose the mandatory minimum term of imprisonment required by K.S.A. 2016 Supp. 21-6623, and amendments thereto, shall not apply if the court finds the defendant, because of the defendant's criminal history classification, ~~is~~ would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range ~~exceeds~~ would exceed 600 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range. The defendant shall not be eligible for parole prior to serving such mandatory minimum term of imprisonment, and such mandatory minimum term of imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(2) (A) If the sentencing judge does not impose the mandatory minimum term of imprisonment required by K.S.A. 2016 Supp. 21-6623, and amendments thereto, the judge shall state on the record at the time of sentencing the substantial and compelling

reasons therefor, and, except as provided in subsection (c)(2)(B), the defendant shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(B) The provisions of subsection (c)(2)(A) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the defendant, because of the defendant's criminal history classification, ~~is~~ would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range ~~exceeds~~ would exceed 300 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range. The defendant shall not be eligible for parole prior to serving such mandatory minimum term of imprisonment, and such mandatory minimum term of imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(d) The provisions of this subsection shall apply only to the crime of murder in the first degree based upon the finding of premeditated murder committed on or after September 6, 2013, but prior to July 1, 2014.

(1) If a defendant is convicted of murder in the first degree based upon the finding of premeditated murder, upon reasonable notice by the prosecuting attorney, the court shall determine, in accordance with this subsection, whether the defendant shall be required to serve a mandatory minimum term of imprisonment of 50 years or sentenced as otherwise provided by law.

(2) The court shall conduct a separate proceeding following the determination of the defendant's guilt for the jury to determine whether one or more aggravating circumstances exist. Such proceeding shall be conducted by the court before a jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the proceeding, the court may conduct such proceeding before a jury which may have 12 or less jurors, but at no time less than six jurors. If the jury has been discharged prior to the proceeding, a new jury shall be impaneled. Any decision of the jury regarding the existence of an aggravating circumstance shall be beyond a reasonable doubt. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such jury. The jury at the proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the proceeding has been waived, such proceeding shall be conducted by the court.

(3) In the proceeding, evidence may be presented concerning any matter relating to any of the aggravating circumstances enumerated in K.S.A. 2016 Supp. 21-6624, and amendments thereto. Only such evidence of aggravating circumstances as the prosecuting attorney has made known to the defendant prior to the proceeding shall be admissible and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the time

of the proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(4) At the conclusion of the evidentiary portion of the proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations. If the prosecuting attorney relies on ~~subsection (a)~~ of K.S.A. 2016 Supp. 21-6624(a), and amendments thereto, as an aggravating circumstance, and the court finds that one or more of the defendant's prior convictions satisfy such subsection, the jury shall be instructed that a certified journal entry of a prior conviction is presumed to prove the existence of such prior conviction or convictions beyond a reasonable doubt.

(5) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2016 Supp. 21-6624, and amendments thereto, exist, the jury shall designate, in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found. If, after a reasonable time for deliberation, the jury is unable to reach a unanimous sentencing decision, the court shall dismiss the jury and the defendant shall be sentenced as provided by law. In nonjury cases, the court shall designate, in writing, the specific circumstance or circumstances which the court found beyond a reasonable doubt.

(6) If one or more of the aggravating circumstances enumerated in K.S.A. 2016 Supp. 21-6624, and amendments thereto, are found to exist beyond a reasonable doubt pursuant to this subsection, the defendant shall be sentenced pursuant to K.S.A. 2016 Supp. 21-6623, and amendments thereto, unless the sentencing judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose the sentence specified in this paragraph. If the sentencing judge does not impose the mandatory minimum term of imprisonment required by K.S.A. 2016 Supp. 21-6623, and amendments thereto, the judge shall state on the record at the time of sentencing the substantial and compelling reasons therefor, and the defendant shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(e) The provisions of this subsection shall apply only to the crime of murder in the first degree based upon the finding of premeditated murder committed prior to September 6, 2013.

(1) If a defendant is convicted of murder in the first degree based upon the finding of premeditated murder, upon reasonable notice by the prosecuting attorney, the court shall conduct a separate sentencing proceeding in accordance with this subsection to determine whether the defendant shall be required to serve a mandatory minimum term of imprisonment of 40 years or for crimes committed on and after July 1, 1999, a mandatory minimum term of imprisonment of 50 years or sentenced as otherwise provided by law.

(2) The sentencing proceeding shall be conducted by the court before a jury as soon as practicable. If the trial jury has been discharged prior to sentencing, a new jury shall be impaneled. Any decision to impose a mandatory minimum term of imprisonment of 40 or 50 years shall be by a unanimous jury. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such jury. The jury at the sentencing proceeding

may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the sentencing proceeding has been waived, such proceeding shall be conducted by the court.

(3) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in K.S.A. 2016 Supp. 21-6624, and amendments thereto, or for crimes committed prior to July 1, 2011, K.S.A. 21-4636, prior to its repeal, and any mitigating circumstances. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the prosecuting attorney has made known to the defendant prior to the sentencing proceeding shall be admissible and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. Only such evidence of mitigating circumstances subject to discovery pursuant to K.S.A. 22-3212, and amendments thereto, that the defendant has made known to the prosecuting attorney prior to the sentencing proceeding shall be admissible. No testimony by the defendant at the time of sentencing shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(4) At the conclusion of the evidentiary portion of the sentencing proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations. If the prosecuting attorney relies on ~~subsection (a)~~ of K.S.A. 2016 Supp. 21-6624(a), and amendments thereto, or for crimes committed prior to July 1, 2011, ~~subsection (a)~~ of K.S.A. 21-4636(a), prior to its repeal, as an aggravating circumstance, and the court finds that one or more of the defendant's prior convictions satisfy such subsection, the jury shall be instructed that a certified journal entry of a prior conviction is presumed to prove the existence of such prior conviction or convictions beyond a reasonable doubt.

(5) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2016 Supp. 21-6624, and amendments thereto, or for crimes committed prior to July 1, 2011, K.S.A. 21-4636, prior to its repeal, exist and, further, that the existence of such aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced pursuant to K.S.A. 2016 Supp. 21-6623, and amendments thereto; otherwise, the defendant shall be sentenced as provided by law. The sentencing jury shall designate, in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found. The trier of fact may make the findings required by this subsection for the purpose of determining whether to sentence a defendant pursuant to K.S.A. 2016 Supp. 21-6623, and amendments thereto, notwithstanding contrary findings made by the jury or court pursuant to ~~subsection (e)~~ of K.S.A. 2016 Supp. 21-6617(e), and amendments thereto, for the purpose of determining whether to sentence such defendant to death. If, after a reasonable time for deliberation, the jury is unable to reach a unanimous sentencing decision, the court shall dismiss the jury and the defendant shall be sentenced as provided by law. In nonjury cases, the court shall designate in writing the specific circumstance or circumstances which the court found beyond a reasonable doubt.

(f) The amendments to subsection (e) by chapter 1 of the 2013 Session Laws of

Kansas (Special Session):

(1) Establish a procedural rule for sentencing proceedings, and as such shall be construed and applied retroactively to all crimes committed prior to the effective date of this act, except as provided further in this subsection; (2) shall not apply to cases in which the defendant's conviction and sentence were final prior to June 17, 2013, unless the conviction or sentence has been vacated in a collateral proceeding, including, but not limited to, K.S.A. 22-3504 or 60-1507, and amendments thereto; and (3) shall apply only in sentencing proceedings otherwise authorized by law.

(g) Notwithstanding the provisions of subsection (h), for all cases on appeal on or after September 6, 2013, if a sentence imposed under this section, prior to amendment by chapter 1 of the 2013 Session Laws of Kansas (Special Session), or under K.S.A. 21-4635, prior to its repeal, is vacated for any reason other than sufficiency of the evidence as to all aggravating circumstances, resentencing shall be required under this section, as amended by chapter 1 of the 2013 Session Laws of Kansas (Special Session), unless the prosecuting attorney chooses not to pursue such a sentence.

(h) In the event any sentence imposed under this section is held to be unconstitutional, the court having jurisdiction over a person previously sentenced shall cause such person to be brought before the court and shall sentence such person to the maximum term of imprisonment otherwise provided by law.

(i) If any provision or provisions of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or provisions or application, and to this end the provisions of this section are severable.

Sec. 2. K.S.A. 2016 Supp. 21-6622 is hereby amended to read as follows: 21-6622.

(a) If, under K.S.A. 2016 Supp. 21-6617, and amendments thereto, the county or district attorney has filed a notice of intent to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death and the defendant is convicted of the crime of capital murder, the defendant's counsel or the warden of the correctional institution or sheriff having custody of the defendant may request a determination by the court of whether the defendant is a person with intellectual disability. If the court determines that there is not sufficient reason to believe that the defendant is a person with intellectual disability, the court shall so find and the defendant shall be sentenced in accordance with K.S.A. 2016 Supp. 21-6617, 21-6619, 21-6624, 21-6625, 21-6628 and 21-6629, and amendments thereto. If the court determines that there is sufficient reason to believe that the defendant is a person with intellectual disability, the court shall conduct a hearing to determine whether the defendant is a person with intellectual disability.

(b) If a defendant is convicted of the crime of capital murder and a sentence of death is not imposed, or if a defendant is convicted of the crime of murder in the first degree based upon the finding of premeditated murder, the defendant's counsel or the warden of the correctional institution or sheriff having custody of the defendant may request a determination by the court of whether the defendant is a person with intellectual disability. If the court determines that there is not sufficient reason to believe that the defendant is a person with intellectual disability, the court shall so find and the defendant shall be sentenced in accordance with K.S.A. 2016 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto. If the court determines that there is sufficient reason to believe that the defendant is a person with intellectual

disability, the court shall conduct a hearing to determine whether the defendant is a person with intellectual disability.

(c) At the hearing, the court shall determine whether the defendant is a person with intellectual disability. The court shall order a psychiatric or psychological examination of the defendant. For that purpose, the court shall appoint two licensed physicians or licensed psychologists, or one of each, qualified by training and practice to make such examination, to examine the defendant and report their findings in writing to the judge within 14 days after the order of examination is issued. The defendant shall have the right to present evidence and cross-examine any witnesses at the hearing. No statement made by the defendant in the course of any examination provided for by this section, whether or not the defendant consents to the examination, shall be admitted in evidence against the defendant in any criminal proceeding.

(d) If, at the conclusion of a hearing pursuant to subsection (a), the court determines that the defendant is not a person with intellectual disability, the defendant shall be sentenced in accordance with K.S.A. 2016 Supp. 21-6617, 21-6619, 21-6624, 21-6625, 21-6628 and 21-6629, and amendments thereto.

(e) If, at the conclusion of a hearing pursuant to subsection (b), the court determines that the defendant is not a person with intellectual disability, the defendant shall be sentenced in accordance with K.S.A. 2016 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto.

(f) If, at the conclusion of a hearing pursuant to this section, the court determines that the defendant is a person with intellectual disability, the court shall sentence the defendant as otherwise provided by law, and no sentence of death, life without the possibility of parole, or mandatory term of imprisonment pursuant to K.S.A. 2016 Supp. 21-6623, 21-6624 and 21-6625, and amendments thereto, shall be imposed hereunder.

(g) Unless otherwise ordered by the court for good cause shown, the provisions of subsection (b) shall not apply if it has been determined, pursuant to a hearing granted under the provisions of subsection (a), that the defendant is not a person with intellectual disability.

(h) As used in this section, "intellectual disability" means having significantly subaverage general intellectual functioning, as defined by K.S.A. 76-12b01, and amendments thereto, to an extent which substantially impairs one's capacity to appreciate the criminality of one's conduct or to conform one's conduct to the requirements of law.

Sec. 3. K.S.A. 2016 Supp. 21-6623 is hereby amended to read as follows: 21-6623. When it is provided by law that a person shall be sentenced pursuant to this section, such person shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. Except as otherwise provided in this section, in addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving 40 years' imprisonment, and such 40 years' imprisonment shall not be reduced by the application of good time credits. For crimes committed ~~on and~~ or after July 1, 1999, a person sentenced pursuant to this section shall not be eligible for parole prior to serving 50 years' imprisonment, and such 50 years' imprisonment shall not be reduced by the application of good time credits. For crimes committed on or after July 1, 2006, a mandatory minimum term of imprisonment of 50 years shall not apply if the court finds that the defendant, because of the defendant's

criminal history classification, ~~is would be~~ subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range ~~exceeds would exceed~~ 600 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range, the defendant shall not be eligible for parole prior to serving such mandatory minimum term of imprisonment, and such mandatory minimum term of imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted. Upon sentencing a defendant pursuant to this section, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced pursuant to K.S.A. 2016 Supp. 21-6623, and amendments thereto.

Sec. 4. K.S.A. 2016 Supp. 21-6627 is hereby amended to read as follows: 21-6627. (a) (1) Except as provided in subsection (b) or (d), a defendant who is 18 years of age or older and is convicted of the following crimes committed on or after July 1, 2006, shall be sentenced to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 25 years unless the court determines that the defendant should be sentenced as determined in subsection (a)(2):

(A) Aggravated human trafficking, as defined in ~~subsection (b) of~~ K.S.A. 2016 Supp. 21-5426 ~~(b)~~, and amendments thereto, if the victim is less than 14 years of age;

(B) rape, as defined in ~~subsection (a)(3) of~~ K.S.A. 2016 Supp. 21-5503 ~~(a)(3)~~, and amendments thereto;

(C) aggravated indecent liberties with a child, as defined in ~~subsection (b)(3) of~~ K.S.A. 2016 Supp. 21-5506 ~~(b)(3)~~, and amendments thereto;

(D) aggravated criminal sodomy, as defined in ~~subsection (b)(1) or (b)(2) of~~ K.S.A. 2016 Supp. 21-5504 ~~(b)(1) or (b)(2)~~, and amendments thereto;

(E) commercial sexual exploitation of a child, as defined in K.S.A. 2016 Supp. 21-6422, and amendments thereto, if the victim is less than 14 years of age;

(F) sexual exploitation of a child, as defined in ~~subsection (a)(1) or (a)(4) of~~ K.S.A. 2016 Supp. 21-5510 ~~(a)(1) or (a)(4)~~, and amendments thereto, if the child is less than 14 years of age; and

(G) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2016 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined in subsections (a)(1)(A) through (a)(1)(F).

(2) The provision of subsection (a)(1) requiring a mandatory minimum term of imprisonment of not less than 25 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2016 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, ~~is would be~~ subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range ~~exceeds would exceed~~ 300 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range.

(b) (1) On and after July 1, 2006, if a defendant who is 18 years of age or older is

convicted of a crime listed in subsection (a)(1) and such defendant has previously been convicted of a crime listed in subsection (a)(1), a crime in effect at any time prior to July 1, 2011, which is substantially the same as a crime listed in subsection (a)(1) or a crime under a law of another jurisdiction which is substantially the same as a crime listed in subsection (a)(1), the court shall sentence the defendant to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 40 years. The provisions of this paragraph shall not apply to a crime committed under K.S.A. 2016 Supp. 21-5507, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as K.S.A. 2016 Supp. 21-5507, and amendments thereto.

(2) The provision of subsection (b)(1) requiring a mandatory minimum term of imprisonment of not less than 40 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2016 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, ~~is~~ would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range ~~exceeds~~ would exceed 480 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range.

(c) When a person is sentenced pursuant to subsection (a) or (b), such person shall be sentenced to a mandatory minimum term of imprisonment of not less than 25 years, 40 years or be sentenced as determined in subsection (a)(2) or subsection (b)(2), whichever is applicable, and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving such mandatory term of imprisonment, and such imprisonment shall not be reduced by the application of good time credits. Except as provided in subsection (d), no other sentence shall be permitted.

(d) (1) On or after July 1, 2006, for a first time conviction of an offense listed in subsection (a)(1), the sentencing judge shall impose the mandatory minimum term of imprisonment provided by subsection (a), unless the judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose a departure. If the sentencing judge departs from such mandatory minimum term of imprisonment, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. The departure sentence shall be the sentence pursuant to the revised Kansas sentencing guidelines act, article 68 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and, subject to the provisions of K.S.A. 2016 Supp. 21-6818, and amendments thereto, no sentence of a mandatory minimum term of imprisonment shall be imposed hereunder.

(2) As used in this subsection, "mitigating circumstances" shall include, but are not limited to, the following:

(A) The defendant has no significant history of prior criminal activity;

(B) the crime was committed while the defendant was under the influence of extreme mental or emotional disturbances;

(C) the victim was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor;

(D) the defendant acted under extreme distress or under the substantial domination

of another person;

(E) the capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform to the requirements of law was substantially impaired; and

(F) the age of the defendant at the time of the crime.

(e) The provisions of K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, shall not apply to any defendant sentenced pursuant to this section.

Sec. 5. K.S.A. 2016 Supp. 21-6810 is hereby amended to read as follows: 21-6810.

(a) Criminal history categories contained in the sentencing guidelines grids are based on the following types of prior convictions: Person felony adult convictions, nonperson felony adult convictions, person felony juvenile adjudications, nonperson felony juvenile adjudications, person misdemeanor adult convictions, nonperson class A misdemeanor adult convictions, person misdemeanor juvenile adjudications, nonperson class A misdemeanor juvenile adjudications, select class B nonperson misdemeanor adult convictions, select class B nonperson misdemeanor juvenile adjudications and convictions and adjudications for violations of municipal ordinances or county resolutions which are comparable to any crime classified under the state law of Kansas as a person misdemeanor, select nonperson class B misdemeanor or nonperson class A misdemeanor. A prior conviction is any conviction, other than another count in the current case, which was brought in the same information or complaint or which was joined for trial with other counts in the current case pursuant to K.S.A. 22-3203, and amendments thereto, which occurred prior to sentencing in the current case, regardless of whether the offense that led to the prior conviction occurred before or after the current offense or the conviction in the current case.

(b) A class B nonperson select misdemeanor is a special classification established for weapons violations. Such classification shall be considered and scored in determining an offender's criminal history classification.

(c) Except as otherwise provided, all convictions, whether sentenced consecutively or concurrently, shall be counted separately in the offender's criminal history.

(d) Except as provided in K.S.A. 2016 Supp. 21-6815, and amendments thereto, the following are applicable to determining an offender's criminal history classification:

(1) Only verified convictions will be considered and scored.

(2) All prior adult felony convictions, including expungements, will be considered and scored. Prior adult felony convictions for offenses that were committed before July 1, 1993, shall be scored as a person or nonperson crime using a comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed.

(3) There will be no decay factor applicable for:

(A) Adult convictions;

~~(B) a juvenile adjudication for an offense which would constitute a nondrug severity level 1 through 4 person felony if committed by an adult. Prior juvenile adjudications for offenses that were committed before July 1, 1993, shall be scored as a person or nonperson crime using a comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed;~~

~~(C) a juvenile adjudication for an offense committed before July 1, 1993, which would have been a class A, B or C felony, if committed by an adult. Prior juvenile~~

adjudications for offenses that were committed before July 1, 1993, shall be scored as a person or nonperson crime using a comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed; or

~~(D)~~(C) a juvenile adjudication for an offense committed on or after July 1, 1993, which would be an off-grid felony, or a nondrug severity level 1 through 4 felony, if committed by an adult.

(4) Except as otherwise provided, a juvenile adjudication will decay if the current crime of conviction is committed after the offender reaches the age of 25, and the juvenile adjudication is for an offense:

(A) Committed before July 1, 1993, which would have been a class D or E felony, if committed by an adult;

(B) committed on or after July 1, 1993, which would be a nondrug severity level 5 through 10, ~~a non-grid felony,~~ a nongrid felony or any drug felony, if committed by an adult; or

(C) which would be a misdemeanor, if committed by an adult.

(5) A juvenile adjudication will not be considered and scored if:

(A) The current crime of conviction is committed at least five years after the date of the prior adjudication;

(B) the offender has no new adjudications or convictions during such five-year period; and

(C) the juvenile adjudication is for an offense that would be a nondrug severity level 5 through 10 felony, drug felony, nongrid felony or misdemeanor, if committed by an adult.

(6) All person misdemeanors, class A nonperson misdemeanors and class B select nonperson misdemeanors, and all municipal ordinance and county resolution violations comparable to such misdemeanors, shall be considered and scored. Prior misdemeanors for offenses that were committed before July 1, 1993, shall be scored as a person or nonperson crime using a comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed.

~~(6)~~(7) Unless otherwise provided by law, unclassified felonies and misdemeanors, shall be considered and scored as nonperson crimes for the purpose of determining criminal history.

~~(7)~~(8) Prior convictions of a crime defined by a statute ~~which that~~ has since been repealed shall be scored using the classification assigned at the time of such conviction.

~~(8)~~(9) Prior convictions of a crime defined by a statute ~~which that~~ has since been determined unconstitutional by an appellate court shall not be used for criminal history scoring purposes.

~~(9)~~(10) Prior convictions of any crime shall not be counted in determining the criminal history category if they enhance the severity level, elevate the classification from misdemeanor to felony, or are elements of the present crime of conviction. Except as otherwise provided, all other prior convictions will be considered and scored.

(e) The amendments made to this section by ~~this act~~ section 1 of chapter 5 of the 2015 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.";

On page 17, following line 21, by inserting:

"Sec. 7. K.S.A. 2016 Supp. 22-3001 is hereby amended to read as follows: 22-3001. (a) A majority of the district judges in any judicial district may order a grand jury

to be summoned in any county in the district when it is determined to be in the public interest.

(b) The district or county attorney in such attorney's county may petition the chief judge or the chief judge's designee in such district court to order a grand jury to be summoned in the designated county in the district to consider any alleged felony law violation, including any alleged misdemeanor law violation which arises as part of the same criminal conduct or investigation. The attorney general in any judicial district may petition the chief judge or the chief judge's designee in such judicial district to order a grand jury to be summoned in the designated county in the district to consider any alleged felony law violation, including any alleged misdemeanor law violation which arises as part of the same criminal conduct or investigation, if authorized by the district or county attorney in such judicial district or if jurisdiction is otherwise authorized by law. The chief judge or the chief judge's designee in the district court of the county shall then consider the petition and, if it is found that the petition is in proper form, as set forth in this subsection, shall order a grand jury to be summoned within 15 days after receipt of such petition.

(c) (1) A grand jury shall be summoned in any county within 60 days after a petition praying therefor is presented to the district court, bearing the signatures of a number of electors equal to 100 plus 2% of the total number of votes cast for governor in the county in the last preceding election.

(2) The petition, upon its face, shall state the name, address and phone number of the person filing the petition, the subject matter of the prospective grand jury, a reasonably specific identification of areas to be inquired into and sufficient general allegations to warrant a finding that such inquiry may lead to information which, if true, would warrant a true bill of indictment.

(3) (A) The petition shall be in substantially the following form:

The undersigned qualified electors of the county of _____ and state of Kansas hereby request that the district court of _____ county, Kansas, within 60 days after the filing of this petition, cause a grand jury to be summoned in the county to investigate alleged violations of law and to perform such other duties as may be authorized by law.

(B) (i) The signatures to the petition need not all be affixed to one paper, but each paper to which signatures are affixed shall have substantially the foregoing form written or printed at the top thereof. Each signer shall add to such signer's signature such signer's place of residence, giving the street and number or rural route number, if any. One of the signers of each paper shall verify upon oath that each signature appearing on the paper is the genuine signature of the person whose name it purports to be and that such signer believes that the statements in the petition are true.

(ii) The petition shall be filed in the office of the clerk of the district court who shall forthwith transmit it to the county election officer, who shall determine whether the persons whose signatures are affixed to the petition are qualified electors of the county. Thereupon, the county election officer shall return the petition to the clerk of the district court, together with such election officer's certificate stating the number of qualified electors of the county whose signatures appear on the petition and the aggregate number of votes cast for all candidates for governor in the county in the last preceding election.

(iii) The judge or judges of the district court of the county shall then consider the

petition and, if it is found that the petition is in proper form and bears the signatures of the required number of electors, a grand jury shall be ordered to be summoned. If a grand jury is not summoned because of a finding that the petition, substantially in the form required by this subsection on its face, is not in proper form, the person who filed the petition and whose name, address and phone number appear on the face of each petition shall have the right to appeal the decision to not summon a grand jury as a final judgment pursuant to K.S.A. 22-3601, and amendments thereto.

(4) After a grand jury is summoned pursuant to this subsection, but before it begins deliberations, the judge or judges of the district court of the county in which the petition is presented shall provide instructions to the grand jury regarding its conduct and deliberations, which instructions shall include, but not be limited to, the following:

(A) You have been impaneled as a grand jury pursuant to a citizens' petition filed in this court, signed by (insert number) qualified electors of this county, stating (insert the subject matter described in the petition, including a reasonably specific identification of the areas to be inquired into and the allegations sufficient to warrant a finding that the grand jury's inquiry may lead to information which, if true, would warrant a true bill of indictment). You are charged with making inquiry with regard to this subject matter and determining whether the facts support allegations warranting a true bill of indictment.

(B) The person filing the citizens' petition filed in this court must be the first witness you call for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.

(C) You may, with the approval of this court, employ special counsel and investigators, and incur such other expense for services and supplies as you and this court deem necessary. Any special counsel or investigator you employ shall be selected by a majority vote of your grand jury. You may make such selection only after hearing testimony from the person who filed the citizens' petition. You may utilize the services of any special counsel or investigator you employ instead of, or in addition to, the services of the prosecuting attorney.

(D) If any witness duly summoned to appear and testify before you fails or refuses to obey, compulsory process will be issued by this court to enforce the witness' attendance.

(E) If any witness appearing before you refuses to testify or to answer any questions asked in the course of the witness' examination, you shall communicate that fact to this court in writing, together with a statement regarding the question the witness refuses to answer. This court will determine and inform you of whether the witness is bound to answer or not. However, no witness appearing before you can be compelled to make any statement which will incriminate such witness.

(F) Any person may file a written request with the prosecuting attorney or with the foreman of the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. Any written request shall include a summary of such person's written testimony.

(G) At the conclusion of your inquiry and determination, you will return either a no bill of indictment or a true bill of indictment.

(d) The grand jury shall consist of 15 members and shall be drawn, qualified and summoned in the same manner as petit jurors for the district court. Twelve members thereof shall constitute a quorum. The judge or judges ordering the grand jury shall direct that a sufficient number of legally qualified persons be summoned for service as

grand jurors. In the case of grand juries impaneled pursuant to subsection (c), the judge or judges ordering the grand jury shall allow the person that filed the petition under the provisions of subsection (c)(2), and such person's attorney, to witness the instructions to the grand jury regarding its conduct and deliberations pursuant to subsection (c)(4).";

On page 23, following line 18, by inserting:

"Sec. 9. K.S.A. 2016 Supp. 25-3601 is hereby amended to read as follows: 25-3601. (a) Subject to the provisions of subsection (d), if a petition is required or authorized as a part of the procedure applicable to the state as a whole or any legislative election district or to any county, city, school district or other municipality, or part thereof, the provisions of K.S.A. 25-3601 et seq., and amendments thereto, shall apply. The sufficiency of each signature and the number thereof on any such petition shall be determined in accordance with the provisions of K.S.A. 25-3601 ~~to through~~ 25-3607, ~~inclusive~~, and amendments thereto, by the county election officer or such other official as designated in the applicable statute. Except as provided herein, a copy of any petition requesting an election in any political or taxing subdivision of the state shall be submitted to the office of the county attorney of the county or district attorney of the district in which all or the greater portion of the political or taxing subdivision is located. If a county counselor has been appointed in the county or district, the petition shall be submitted to the county counselor. The petition shall be submitted either by hand-delivery or by certified mail, return receipt requested. Such petition shall contain the question to be submitted at the election. Within five business days following submission of the petition, the county counselor, county attorney or district attorney shall furnish a written advisory opinion as to the legality of the form of the question contained on the petition. There shall be a rebuttable presumption that the form of any question approved by the county counselor, county attorney or district attorney complies with the requirements of this act. If such opinion is not furnished within five days of submission of the question, the form of the question shall be deemed in compliance with the requirements of this act.

If the advisory opinion states that the form of the question contained in the petition does not comply with the requirements of this act, such advisory opinion shall also state specific grounds to support such determination.

Nothing in this subsection shall be construed as prohibiting the circulation of a petition for signatures or the filing of such petition with the county election officer prior to obtaining the advisory opinion required by this subsection.

(b) Any person challenging the validity of the form of a question shall have the burden of proving in the district court that the form of the question is invalid.

(c) The form of any question in a petition requesting an election on or protesting an ordinance, or resolution, adopted by the governing body of any county, city, school district or other municipality shall be presumed to be valid and in compliance with the requirements of K.S.A. 25-3601 et seq., and amendments thereto, if such petition states the title, number and exact language of the ordinance, or resolution, and the title of such petition states:

"Shall the following ordinance, or resolution, become effective?"

(d) When any other statute imposes specific requirements which are different from the requirements imposed by K.S.A. 25-3601 et seq., and amendments thereto, the provisions of the specific statute shall control. The county election officer or other official with whom the petition is required to be filed in accordance with the applicable

statute shall give to persons requesting information regarding the filing of petitions a copy of K.S.A. 25-620 and article 36 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

(e) Any action challenging the validity of the form of a question in a petition shall be filed in the district court within 20 days after such petition has been filed with the county election officer.

The court shall render an opinion in any action filed to challenge the validity of the form of a question in a petition within 20 days after the date such action is filed with the court.

(f) The provisions of K.S.A. 25-3601 et seq., and amendments thereto, shall not apply to recall petitions as described in K.S.A. 25-4301 et seq., and amendments thereto, or a grand jury petition as described in K.S.A. 22-3001(c), and amendments thereto.;

Also on page 23, in line 21, before "22-2302" by inserting "21-6620, 21-6622, 21-6623, 21-6627, 21-6810,"; also in line 21, by striking "and" and inserting ", 22-3001,"; also in line 21, after "22-3716" by inserting "and 25-3601";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, before "warrants" by inserting "sentencing; mandatory minimum terms of imprisonment; persons with intellectual disabilities convicted of capital murder; criminal history classification of juvenile adjudications,"; in line 3, by striking "conditions of probation, revocation;" and inserting "sufficiency of grand jury petitions; right to appeal; revocation of nonprison sanctions,"; in line 5, before "22-2302" by inserting "21-6620 , 21-6622, 21-6623, 21-6627, 21-6810,"; also in line 5, by striking "and" and inserting ", 22-3001,"; also in line 5, after "22-3716" by inserting "and 25-3601";

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

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

RUSS JENNINGS

JOHN WHITMER

DENNIS HIGHBERGER

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2092**.

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

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

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until 2:30 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: **S Sub HB 2186**

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 Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

The committee report on **HB 2186** recommending **S Sub HB 2186** be adopted, be amended by motion of Senator Pyle; on page 127, following line 15, by inserting:

"Sec. 104. K.S.A. 2016 Supp. 72-64c01 is hereby amended to read as follows: 72-64c01. (a) It is the public policy goal of the state of Kansas that at least ~~65%~~ 75% of the moneys appropriated, distributed or otherwise provided by the state to school districts shall be expended in the classroom or for instruction.

(b) All moneys attributable to the increase in the amount of base state aid per pupil under the provisions of this act shall be expended in the classroom or for instruction.

(c) The amount of moneys expended per pupil in the classroom or for instruction in school year 2005-2006, shall not be less than the amount of moneys expended per pupil for such purposes in school year 2004-2005, plus \$35 per pupil.

(d) As used in this section, "instruction" means the activities dealing directly with the interaction between teachers and students and may be provided in a school classroom, in another location such as a home or hospital, and in other learning situations such as those involving cocurricular activities. Instruction also may be provided through the internet, television, radio, computer, multimedia telephone, correspondence that is delivered inside or outside the classroom and other teacher-student settings or through other approved media. Instruction also includes the activities of aides or classroom assistants of any type including, but not limited to, clerks, graders and teaching machines which assist in the instructional process.";

Also on page 127, in line 19, after the first comma by inserting "72-64c01,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the seventh comma by inserting "72-64c01,"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 22; Nays 14; Present and Passing 4; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Givens, Hardy, Hawk, Hensley, Kelly, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Haley, Holland, Longbine, McGinn.

S Sub HB 2186 be further amended by motion of Senator Doll; on page 2, in line 27, by adding \$2,441,300 to the dollar amount and by adjusting the dollar amount in line 27 accordingly;

On page 12, in line 4, by adding \$2,486,400 to the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 42, in line 2, by striking "0.361" and inserting "0.395"

S Sub HB 2186 be further amended by motion of Senator Given; by amending the amendment designated as fa_2017_hb2186_s_2179, as adopted by the Committee of the Whole on May 30, 2017, in K.S.A. 2016 Supp. 72-64c01(d), before the last period by inserting ", the activities of instructional support staff and student support staff, the cost of utilities, the cost of construction of new classroom facilities and the cost of maintenance of classroom facilities"

S Sub HB 2186 be further amended by motion of Senator Baumgardner; on page 2, in line 19, by adding \$350,000 to the dollar amount and by adjusting the dollar amount in line 19 accordingly;

On page 11, in line 27, by subtracting \$300,000 from the dollar amount and by adjusting the dollar amount in line 27 accordingly;

On page 27, following line 1, by inserting:

"(I) A student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

(i) For school year 2017-2018, $\frac{3}{4}$ of a student; and

(ii) for school year 2018-2019 and each school year thereafter, $\frac{1}{2}$ of a student."

S Sub HB 2186 be further amended by motion of Senator Baumgardner; on page 20, in line 27, after "47" by inserting "and 104";

On page 127, following line 15, by inserting:

"New Sec. 104. The Kansas school equity and enhancement act, sections 3 through 47 and 104, and amendments thereto, shall expire on July 1, 2027.

New Sec. 105. On and after July 1, 2027, and every 10 years thereafter, the legislature shall review the act, or any successor school finance act, to ensure that education funding is reasonably calculated to have students meet or exceed the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.";

And by renumbering sections accordingly

and **S Sub HB 2186** be passed as amended.

An amendment was offered by Senator Pyle. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment germane. The motion by Senator Pyle to amend **S Sub HB 2186** failed and the following amendment was rejected; on page 127, following line 15, by inserting:

"New Sec. 104. (a) No school district shall, in the absence of express authorization by the legislature, expend, use or transfer any proceeds of any tax levied by such school district or moneys appropriated by the legislature of the state of Kansas for the purpose of any personal service, advertisement, telephone, electronic communication, letter, printed or written matter or any other device, intended or designed to influence in any manner a member of the legislature of the state of Kansas to lobby for or against the passage of any legislation. No such moneys shall be paid, donated or otherwise provided to any person, association, corporation or other entity and used for the purpose of any such lobbying. This section shall not prevent officers or employees of a school district from communicating with the legislature of the state of Kansas about any:

(1) Requests for legislation, policy or appropriation which such officers or employees deem necessary for the efficient conduct of the public business; and

(2) communication whose prohibition by this section, in the opinion of the attorney

general, might violate the constitution or interfere with official state purposes and obligations required by law.

(b) Violations of this section shall result in a reduction of at least 1% and not greater than 3% of the moneys appropriated for such school district. The director of the budget shall make the initial determination of any violations of this section. School districts affected by decisions of the director under this section shall be notified in writing at least 30 days before such decisions may become effective and any affected school district may, by written request addressed to the governor within 10 days after such notice, ask for a review of the decision by the governor. The governor shall hear appeals and render a decision within 20 days after the governor receives requests for such review.

(c) For the purposes of this section, "lobbying" shall have the meaning ascribed to it pursuant to K.S.A. 46-225, and amendments thereto.;

And by renumbering sections accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 17; Nays 23; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

A motion by Senator Bollier to amend **S Sub HB 2186** failed and the following amendment was rejected; on page 62, in line 36, by striking "eight" and inserting "10";

On page 104, in line 23, by striking "Eight" and inserting "Ten"; in line 24, by striking "eight" and inserting "10"; in line 26, by striking "eight" and inserting "10"; in line 27, by striking "eight" and inserting "10"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 7; Nays 33; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Bollier, Denning, Doll, Skubal, Sykes.

Nays: Alley, Billinger, Bowers, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

A motion by Senator Hensley to amend **S Sub HB 2186** failed and the following amendment was rejected; on page 2, in line 28, by adding \$21,299,101 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 12, in line 8, by adding \$21,692,544 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;

On page 42, in line 14, by striking "0.456" and inserting "0.484"; in line 18, by striking "0.456" and inserting "0.484"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 23; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner.

A motion by Senator Hensley to amend **S Sub HB 2186** failed and the following amendment was rejected; on page 2, in line 19, by adding \$22,220,284 to the dollar amount and by adjusting the dollar amount in line 19 accordingly; in line 24, by adding \$1,981,553 to the dollar amount and by adjusting the dollar amount in line 24 accordingly; in line 25, by adding \$585,117 to the dollar amount and by adjusting the dollar amount in line 25 accordingly; in line 26, by adding \$1,230,963 to the dollar amount and by adjusting the dollar amount in line 26 accordingly; in line 27, by adding \$486,234 to the dollar amount and by adjusting the dollar amount in line 27 accordingly; in line 28, by adding \$4,714,337 to the dollar amount and by adjusting the dollar amount in line 28 accordingly; in line 29, by adding \$428,532 to the dollar amount and by adjusting the dollar amount in line 29 accordingly; in line 30, by adding \$152,521 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

On page 11, in line 27, by adding \$118,193,000 to the dollar amount and by adjusting the dollar amount in line 27 accordingly; in line 35, by adding \$10,540,173 to the dollar amount and by adjusting the dollar amount in line 35 accordingly; in line 39, by adding \$3,112,325 to the dollar amount and by adjusting the dollar amount in line 39 accordingly; in line 43, by adding \$6,547,675 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;

On page 12, in line 4, by adding \$2,586,350 to the dollar amount and by adjusting the dollar amount in line 4 accordingly; in line 8, by adding \$25,076,260 to the dollar amount and by adjusting the dollar amount in line 8 accordingly; in line 12, by adding \$2,279,425 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 16, by adding \$653,828 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

On page 21, in line 16, by striking "\$4,006" and inserting "\$4,053"; in line 17, by striking "\$4,080" and inserting "\$4,330"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 23; Present and Passing 0; Absent or Not Voting 1.

Yeas: Berger, Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Hilderbrand, Holland, Kelly, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pilcher-Cook.

A motion by Senator Rogers to amend **S Sub HB 2186** failed and the following amendment was rejected; on page 37, by striking all in lines 12 through 19

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 31; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

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

A motion by Senator Alley to amend **S Sub HB 2186** failed and the following amendment was rejected; on page 127, following line 15, by inserting:

"New Sec. 104. (a) For each school district, the state board shall determine that portion of the aggregate amount of unencumbered cash balances held by such school district in the general fund, supplemental general fund, at-risk education fund, bilingual education fund, virtual school fund, professional development fund, parent education program fund, special education fund, career and postsecondary education fund and contingency reserve fund on July 1, 2019, that is in excess of 15% of the general operating expenditures for such school district from such funds for school year 2018-2019, and such amount shall be the aggregate general state aid adjustment for such school district. The state board shall divide the aggregate general state aid adjustment by five. The resulting quotient is the annual general state aid adjustment.

(b) For school year 2019-2020, and for each of the immediately succeeding four school years, the state board shall deduct from the amount of general state aid a school district is to receive under section 6, and amendments thereto, or any successor act providing for the distribution of general state aid to school districts, an amount equal to the annual general state aid adjustment for such school district, and the resulting amount shall be the general state aid amount such school district is to receive for such school year.

(c) As used in this section, the term "school district" means a school district that held an aggregate amount of unencumbered cash balances on July 1, 2019, which was in excess of 15% of the general operating expenditures for such school district for school year 2018-2019.";

And by renumbering sections accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 24; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Denning, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

An amendment was offered by Senator Olson on **S Sub HB 2186**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

Senator Olson challenged the ruling of the Subcommittee.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

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

Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

Present and Passing: Petersen.

The ruling was sustained.

Motions to amend **S Sub HB 2186**, which were offered by Senators Billinger, Hensley, Olson and Pettey failed.

Motions by Senators Alley and Olson to amend **S Sub HB 2186** were withdrawn.

S Sub HB 2278 be passed over and retain a place on the calendar.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2067** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 22; following line 22, by inserting:

"Section 1. K.S.A. 2016 Supp. 12-17,165 is hereby amended to read as follows: 12-17,165. (a) When a city or county proposes to establish a STAR bond project district, within an eligible area, the city or county shall adopt a resolution stating that the city or county is considering the establishment of a STAR bond project district. Such resolution shall:

- (1) Give notice that a public hearing will be held to consider the establishment of a STAR bond project district and fix the date, hour and place of such public hearing;
- (2) describe the proposed boundaries of the STAR bond project district;
- (3) describe the STAR bond project district plan;
- (4) state that a description and map of the proposed STAR bond project district are available for inspection at a time and place designated; and
- (5) state that the governing body will consider findings necessary for the establishment of a STAR bond project district.

Notice shall be given as prescribed in ~~subsection (f)(2) of~~ K.S.A. 2016 Supp. 12-17,166(f)(2), and amendments thereto.

(b) The city or county shall submit the proposed STAR bond project district to the secretary for a determination that the district is an eligible area as defined in K.S.A. 2016 Supp. 12-17,162, and amendments thereto.

(c) Upon the conclusion of the public hearing, and a finding by the secretary that the proposed project district is an eligible area, the governing body of the municipality shall pass an ordinance or resolution.

(1) An ordinance or resolution for a STAR bond project district shall:

(A) Make findings that the STAR bond project district proposed to be developed is an historic theater, or a STAR bond project as defined in K.S.A. 2016 Supp. 12-17,162, and amendments thereto;

(B) contain a STAR bond project district plan that identifies all of the proposed STAR bond project areas and identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each STAR bond project area. The boundaries of such STAR bond project district shall not include any area not designated in the notice required by subsection (a); and

(C) contain the legal description of the STAR bond project district and may establish the STAR bond project district.

(2) If no ordinance or resolution is passed by the city or county within 30 days from the conclusion of the public hearing, then such STAR bond project district shall not be established.

(d) The governing body of a city or county may establish a STAR bond project district within that city or such city may establish a district inclusive of land outside the boundaries of the city or wholly outside the boundaries of such city upon written consent of the board of county commissioners. Prior to providing written consent, the board of county commissioners must provide notice and hold a hearing as is required of a city pursuant to subsection (a) for the establishment of a STAR bond project district.

The governing body of a county may establish a STAR bond project district within the unincorporated area of the county.

(e) One or more STAR bond projects may be undertaken by a city or county within a STAR bond project district after such STAR bond project district has been established in the manner provided by this section.

(f) No privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of K.S.A. 2016 Supp. 12-17,160 et seq., and amendments thereto, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the STAR bond project district required by subsection (a) that the proposed STAR bond project district will have an adverse effect on such county or school district. The board of county commissioners or board of education shall deliver a copy of such resolution to the city or county. The city or county shall within 30 days of receipt of such resolution pass an ordinance or resolution dissolving the STAR bond project district. The provisions of this subsection shall not apply if the STAR bond project plan provides that ad valorem property tax revenues of the county or the school district levying taxes on such property will not be adversely impacted.

(g) A STAR bond project shall not include a project for a gambling casino.

(h) No new STAR bond project district may be established from the effective date of this act through July 1, 2018, except that, for STAR bond project districts established prior to the effective date of this act, the foregoing shall not prohibit a city or county from utilizing all provisions of the STAR bonds financing act, including, but not limited to, K.S.A. 2016 Supp. 12-17,171, and amendments thereto.

Sec. 2. K.S.A. 2016 Supp. 12-17,179 is hereby amended to read as follows: 12-17,179. (a) A city that created a redevelopment district in an eligible area that was approved for STAR bonds prior to the effective date of this act for the city of Manhattan Discovery Center on December 28, 2006, and the Schlitterbahn project in Wyandotte county on December 23, 2005, may by ordinance elect to have the provisions of this act applicable to such redevelopment district.

(b) The provisions of this act regarding STAR bond projects shall expire on and

after July 1, ~~2017~~ 2020.

Sec. 3. K.S.A. 2016 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$30,000	3.0% of Kansas taxable income
Over \$30,000	\$900 plus 4.9% of excess over \$30,000

(C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.8% of excess over \$30,000

(D) For tax years 2015, and 2016 ~~and 2017~~:

If the taxable income is:	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.6% of excess over \$30,000

(E) For tax year ~~2018, and all tax years thereafter~~ 2017:

If the taxable income is:	The tax is:
Not over \$30,000	2.6% <u>2.9%</u> of Kansas taxable income
Over \$30,000 <u>but not over \$60,000</u>	\$780 <u>\$870</u> plus 4.6% <u>4.9%</u> of excess over \$30,000
Over \$60,000	<u>\$2,340</u> plus 5.2% of excess over <u>\$60,000</u>

(F) For tax year 2018, and all tax years thereafter:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$30,000</u>	<u>3.1% of Kansas taxable income</u>
<u>Over \$30,000 but not over \$60,000</u>	<u>\$930 plus 5.25% of excess over \$30,000</u>
<u>Over \$60,000</u>	<u>\$2,505 plus 5.7% of excess over \$60,000</u>

(2) *All other individuals.*

(A) For tax year 2012:

If the taxable income is: The tax is:

Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000

(B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$15,000	3.0% of Kansas taxable income
Over \$15,000	\$450 plus 4.9% of excess over \$15,000

(C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$15,000	2.7% of Kansas taxable income
Over \$15,000	\$405 plus 4.8% of excess over \$15,000

(D) For tax years 2015, and 2016 ~~and 2017~~:

If the taxable income is:	The tax is:
Not over \$15,000	2.7% of Kansas taxable income
Over \$15,000	\$405 plus 4.6% of excess over \$15,000

(E) For tax year ~~2018, and all tax years thereafter~~ 2017:

If the taxable income is:	The tax is:
Not over \$15,000	2.6% <u>2.9%</u> of Kansas taxable income
Over \$15,000 <u>but not over \$30,000</u>	\$390 <u>\$435</u> plus 4.6% <u>4.9%</u> of excess over \$15,000
<u>Over \$30,000</u>	<u>\$1,170 plus 5.2% of excess over \$30,000</u>

(F) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
<u>Not over \$15,000</u>	<u>3.1% of Kansas taxable income</u>
<u>Over \$15,000 but not over \$30,000</u>	<u>\$465 plus 5.25% of excess over \$15,000</u>
<u>Over \$30,000</u>	<u>\$1,252.50 plus 5.7% of excess over \$30,000</u>

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;

(B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and

(C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in subsection (a)(2) hereof.

~~(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2016 Supp. 79-32,269, and amendments thereto.~~

~~(f) Notwithstanding the provisions of subsections (a) and (b),: (1) For tax year years 2016, and all tax years thereafter and 2017, married individuals filing joint returns with taxable income of \$12,500 or less, and all other individuals with taxable income of \$5,000 or less, shall have a tax liability of zero; and (2) for tax year 2018, and all tax years thereafter, married individuals filing joint returns with taxable income of \$5,000 or less, and all other individuals with taxable income of \$2,500 or less, shall have a tax liability of zero.~~

(f) Any taxpayer whose withholding or estimated tax payments were based upon the rates as provided in subsection (a) as it appears on June 30, 2017, shall not be assessed penalties and interest arising from the underpayment of taxes due to changes to the rates in subsection (a) that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 4. K.S.A. 2016 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. 2016 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. 2016 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. 2016 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2016 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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. 2016 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was

taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2016 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For ~~all~~ 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. 2016 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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) Any taxpayer who is in compliance with the provisions of this section as they appear on June 30, 2017, shall not 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 occurred prior to July 1, 2017, and is rectified on or before April 17, 2018.

Sec. 5. K.S.A. 2016 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(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) For the tax years commencing on and after January 1, 2018, 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) 100% 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) 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. 2016 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. 6. K.S.A. 2016 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in ~~subsection (b) of~~ 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. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 72-99a07, 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 ~~subsection (c) of~~ 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. 2016 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto;

(iv) for all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code; and

(v) for all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under ~~paragraph (iv) of subsection (b) of 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) ~~of K.S.A. 79-32,138, and amendments thereto~~, and subtraction modifications as provided for in subsection (c)(iii) ~~of K.S.A. 79-32,138, and amendments thereto~~, as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

Sec. 7. K.S.A. 2016 Supp. 12-17,165, 12-17,179, 79-32,110, 79-32,117, 79-32,120, 79-32,138 and 79-32,269 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting: "taxation; relating to sales and compensating use tax, collection and distribution thereof, STAR bonds; income taxation, determination of Kansas adjusted gross income, modifications, rates and itemized deductions; amending K.S.A. 2016 Supp. 12-17,165, 12-17,179, 79-32,110, 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269";

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

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2067**.

Senator Pyle offered a substitute motion to not adopt the Conference Committee Report on **HB 2067**. The Chair ruled the motion was out of order. Senator Pyle challenged the ruling. The Subcommittee on Rules sustained the ruling of the chair.

The Senate returned to Senator Tyson's original motion.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: Tonight we have had a nice discussion around tax policy, and for that I thank my fellow Senators. Now, it is time for us to take care of Kansans in need. We must support those who are not able to care for themselves. From those with mental illness to those on the HCBS waiting list to children reported for possible abuse...all deserve a functioning, appropriately funded government to supply appropriate services. This state has suffered long enough from a failed tax policy brought by Governor Brownback. I stand in support of moving forward with a structural fix to our budget crisis and vote YES on the Conference Committee Report for **HB 2067**.—BARBARA BOLLIER

Senators Hardy and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **HB 2067**.

Madam President: The Senate has now voted twice on a conference committee report on HB 2067. The first time was on May 10 when the bill failed 18-22 and raised only \$440 million in the first year. Seven of the nine Democrats voted against that bill. Tonight, this bill raises \$591 million and goes a lot further in getting our fiscal house in order. This bill is necessary because of what happened in 2012. The Brownback income tax cuts went entirely too far and resulted in a self-inflicted budget crisis. The Senate Democrats unanimously vote for this bill to reverse the damage that's been done by Sam Brownback's failed experiment.—ANTHONY HENSLEY

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **Sub HB 2230**, requests a conference and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

The House announced the appointment of Representative Sawyer to replace Representative Ward as a conferee on **SB 30**.

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **Sub HB 2230**.

The Vice President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

H Sub SB 21, H Sub SB 60 reported correctly enrolled, properly signed and presented to the Governor on May 30, 2017.

SR 1752 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 30, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 31, 2017.

Journal of the Senate

SEVENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 31, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Senator Dan Goddard delivered the invocation:

Lord, we come before You today to ask for Your guidance as this body conducts the business of the people of Kansas. Please guide us and show us Your direction. Let us treat controversy as an ally and we ask for Your guidance in resolving differences so we may reach a fair and equitable result. We ask for Your blessing on staff members and all those who support this body. Amen

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1754—

A RESOLUTION recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

WHEREAS, The University of Kansas was founded in 1865 as the state university for the State of Kansas and is now recognized as one of the nation's top public institutions; and

WHEREAS, In 2009, Bernadette Gray-Little became the 17th chancellor of the University of Kansas; and

WHEREAS, After a remarkable eight-year term in which she guided KU to unprecedented success, elevated the university's national stature, and transformed how the university serves the state, the country, and the world, Chancellor Gray-Little will be stepping down this summer of 2017; and

WHEREAS, KU's mission is to lift students and society by educating leaders, building healthy communities, and making discoveries that change the world; and

WHEREAS, Chancellor Gray-Little advanced KU's mission to educate leaders by implementing new admissions standards, launching a new undergraduate curriculum,

strengthening the university's scholarship offerings, prioritizing retention and graduation rates, increasing the size of the freshman class for five consecutive years, and reinvigorating the university's academic environment; and

WHEREAS, Chancellor Gray-Little has advanced KU's mission to build healthy communities by expanding the School of Medicine to a four-year program in Wichita, establishing a new School of Medicine program in Salina, doubling the number of students studying to be pharmacists with the expansion of the School of Pharmacy in Lawrence and the new division in Wichita, and by overseeing the University of Kansas Cancer Center's successful application for National Cancer Institute Designation; and

WHEREAS, Chancellor Gray-Little has advanced KU's mission to make discoveries by securing funding for the Foundation Distinguished Faculty Initiative, along with overseeing multiple all-time high annual awards of federal funding to KU for research; and

WHEREAS, Chancellor Gray-Little has demonstrated courage, compassion and foresight by leading university conversations on sexual assault, diversity and inclusion, campus safety, sustainability, and the living and working environment on campus; and

WHEREAS, Chancellor Gray-Little has overseen KU's efforts to invigorate the Kansas economy by creating new jobs, launching startup companies, fostering corporate partnerships, licensing new technologies, developing an engineering initiative to increase the number of engineering graduates, and cultivating an entrepreneurial mindset among faculty, staff and students; and

WHEREAS, Chancellor Gray-Little has led a physical transformation of KU's campuses by securing support for Capitol Federal Hall, the Health Education Building, Self and Oswald Halls, the Central District Redevelopment Project, the DeBruce Center, and the Earth, Energy and Environment Center, as well as major renovations to Swarthout Recital Hall, the Spencer Museum of Art, and Jayhawk Boulevard; and

WHEREAS, Chancellor Gray-Little was instrumental to KU's record-setting Far Above campaign, which raised \$1.66 billion in private gifts to support scholarships, faculty research and other key initiatives; and

WHEREAS, While her term as chancellor would be considered historic based on her successes and achievements alone, Chancellor Gray-Little will also be remembered as the first woman and first African-American chancellor in KU's history; and

WHEREAS, In addition to her remarkable technical skills, Chancellor Gray-Little has led with dignity, grace and humility and, as such, has served as a role model and inspiration to students, staff, faculty and colleagues throughout the state: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend Chancellor Bernadette Gray-Little's transformative leadership at the University of Kansas during the past eight years, thank her for her dedicated service to the University of Kansas, the State of Kansas and the entire field of higher education, and wish her, her husband, Shade Little, and their family happiness and health in the future; and

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

On emergency motion of Senator Francisco **SR 1754** was adopted by voice vote.

Senators honored Chancellor Bernadette Gray-Little with a standing ovation.

MESSAGE FROM THE HOUSE

The House not adopts the Conference Committee report on **HB 2067**, requests a conference and appoints Representatives Johnson, Phillips and Sawyer as third conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S Sub HB 2186, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the Kansas school equity and enhancement act; amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by section 92 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482 and 75-2319, as amended by section 46 of Senate Substitute for Substitute for House Bill No. 2052, was considered on final action.

On roll call, the vote was: Yeas 23; Nays 16; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Givens, Goddard, Hardy, Kelly, Kerschen, Longbine, Lynn, McGinn, Petersen, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Hilderbrand, Holland, Masterson, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Tyson.

Present and Passing: Francisco.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: After considerable consideration and debate in the Senate Select Committee on School Finance and the Senate Education Committee, we are here today with **S Sub HB 2186**. Committee members believe it “is reasonably calculated to have all Kansas public education students meet and exceed the standards set out in the Rose Capacities.” The Senate listened to the Kansas Supreme Court’s concerns about under performing students and drafted **S Sub HB 2186** to target money toward those individuals. **S Sub HB 2186** ends the use of at-risk dollars for general expenses, instead we mandate their use for “At-risk educational programs [and services] based on best practices...” What I particularly appreciate about this bill is that it requires school districts to account for all dollars spent specifically to enhance the education of under performing students. We consider this to be important verification of student outcome efforts. For the first time since the 1992 adoption of the SDFQPA, parents of students who have fallen short of the Rose Capacities will know how much has been spent on

their child and will be assured that every dime of at-risk funding is dedicated to help their child succeed. For this reason, I vote yes for **S Sub HB 2186**.—MOLLY BAUMGARDNER

Senators Berger, Goddard, Hardy, Kerschen and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **S Sub HB 2186**.

Mr. Vice President: "Spending is not dispositive of adequacy," but "the outcomes of the state's public education system" are. **S Sub HB 2186** does not focus only on the amount of money spent for under performing students, it also ensures that such dollars fund the best possible programs to help those students meet or exceed the Rose capacities as defined by the Kansas State Board of Education. **S Sub HB 2186** requires the State Board of Education to identify (and districts to use) best practices for increasing at-risk student performance. The Board, through its Kansas CAN effort, promotes assessing and enhancing student performance. **S Sub HB 2186** commits the Board to developing evidence-based best practices to maximize results for under performing students. Under **S Sub HB 2186**, the Board will also provide a series of assessment tools to best measure student performance based on what kids need to succeed in today's world. Schools can then use these best practices and assessment tools to put at-risk dollars to their most productive use. Because **S Sub HB 2186** is a concerted legislative effort to put dollars, research and classroom focus on promoting real growth for all students, I vote yes.—BARBARA BOLLIER

Senators Berger, Goddard and Hardy request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **S Sub HB 2186**.

Mr. Vice President: As chair of the Select Committee on Education Finance, I tasked my committee with "reasonably calculating" K-12 funding to help students meet or exceed the Rose standards. As part of this process, we heard from Commissioner Randy Watson. He described the Kansas State Board of Education's process of analyzing districts whose students exceeded their expected performance by the greatest levels, using them as models to guide education policy and best practices for the rest of the state. My committee also focused on the forty districts that have most exceeded Board expectations of student achievement. **S Sub HB 2186** examines the per student funding provided to those forty districts and sets that amount as the base state aid for all districts. **S Sub HB 2186** further takes this base state aid figure and (after the 2018-19 school year) indexes this amount to inflation. By providing hundreds of millions of dollars in increased base state aid as determined by experts and applied by Kansas' most successful schools, **S Sub HB 2186** is reasonably calculated to promote student success. I vote yes.—JIM DENNING

Senators Goddard, Hardy, Kerschen and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Denning on **S Sub HB 2186**.

Mr. Vice President: I vote "no" on **S Sub HB 2186**. While the new finance formula hews closely to the old pre-block grant funding scheme formula and has the potential to provide both adequate and equitable K-12 funding, I do NOT believe that our Senate chamber has provided the needed justification in showing how the proposed amounts of BSAPP spending for the 2017-18 and 2018-19 school years will translate into Kansas schoolchildren achieving the desired Rose standards. My concerns regarding the

proposed BSAPP spending amounts are further heightened when reviewing the significant cuts made to school funding starting with the 2009-10 school year and subsequent static funding levels. These proposed BSAPP amounts have not even kept up with inflation given the BSAPP amounts funded in the 2008-09 school year. While I sincerely appreciate the Senate's work on this most critical issue, I believe our work is incomplete and we must do better.—TOM HOLLAND

Senator Hawk request the record to show he concurs with the "Explanation of Vote" offered by Senator Holland on **S Sub HB 2186**.

Mr. Vice President: I vote NO on **S Sub HB 2186**. It does little more than reinstitute an archaic finance formula that had gotten out of hand from years of politically parochial weighting adjustments from the powerful. As a result of those parochial changes, the "base" remains artificially low while at the same time overall spending grows at rates well over the rate of inflation and enrollment. This was confirmed by the testimony of the KASB. In addition, it allows that some of our richest districts receive funds from BOTH a cost of living weighting, for their wealth in one part of the formula, AND equalization aid for their poverty in another. It also provides for a grand deception by implementing things like a weighting for BOTH enrollment above 1622 AND below 1622 pushing funding into the multiplier and further suppressing the base. Separate from the wholly political discussion of whether or not more tax payer dollars should be spent on K-12, this formula serves to keep the public, the media, the courts, and even a bulk of the legislature in the dark and gives the legal team suing our population the ability to confuse the issue and make millions doing it.—TY MASTERSON

Senators Pilcher-Cook and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Masterson on **S Sub HB 2186**.

Mr. Vice President: It's sad it took 102 days for this Chamber to debate School Finance. I appreciate yesterday – some bad amendments were defeated; some good amendments were lost but overall we made gains to a student focused school finance formula. As we heard multiple times, this bill does not meet adequacy. If this bill's new funding had not followed years of neglect by the State of Kansas, it might be enough. However, the Gannon 4 decision clearly stated we were millions below where we needed to be in 2012. School employees and our children have paid dearly. This formula, for the most part will be helpful to schools under the Rose Capacities. I am troubled by the systemic efforts in the formula to raise local property taxes that negatively effect equity. The Court was clear - "School districts must have reasonable equal access to similar educational opportunities through similar tax effort." Finally, this bill does not meet adequacy and we will be need to come back to fix it. Not only will that be expensive but we must bear the responsibility of playing chicken with the Court on school closing. Because I feel this bill in unconstitutional, I must vote no.—LYNN ROGERS

Senators Faust-Goudeau, Hawk, Hensley and Petty request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **S Sub HB 2186**.

Mr. Vice President: Today, I am a NO vote on **S Sub HB 2186**. While the Senate select committee did go to great lengths to address numerous issues in the Education bill, there remains a large segment of the K-12 cost, born by the taxpayers of the State of Kansas, that was not addressed. The cost of administration for Kansas K-12

administration has grown far faster and far greater than the rate of inflation and/or the rate of student growth over the last decade. Until this issue is given serious consideration and is addressed to control this spiraling growth, I cannot support this Senate K-12 education bill, therefore I vote NO.—GENE SUELLENTROP

Senators Masterson and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Suellentrop on **S Sub HB 2186**.

PROTEST

Protest by Senator Hensley against Senate Substitute for HB 2186

May 31, 2017

Mr. Vice President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest **Senate Substitute for House Bill 2186**.

On March 2, 2017, the Kansas Supreme Court affirmed the trial panel's decision that the public education financing system provided by the legislature for grades K-12 is constitutionally inadequate. In issuing its decision, the Court instructed the Legislature to implement a new school finance system which is "reasonably calculated to address the constitutional violations of the adequacy requirement while also satisfying the equity requirement." Senate Substitute for House Bill 2186 fails to satisfy both the adequacy and equity requirements of the Kansas Constitution.

Adequacy. Senate Substitute for House Bill 2186 is inadequate from the standpoint of new funding. It only provides \$233 million in new K-12 funding over the next two school years. While it does provide for an increase in the base state aid, that increase fails to achieve the high-water mark of \$4,400 in 2009. Meaning that five years from now we will be below where we were eight years ago. This also falls well short of the Kansas State Board of Education's recommended \$893 million in new funding over two years and even further short of the estimated \$1.4 billion in new funding called for in the legislatively commissioned cost studies.

This is crucial as the Court found that student achievement demonstrated CLASS's implementation was not reasonably calculated to meet the *Rose* standards due to underfunding. The Court instructed that "actual costs remain a valid factor to be considered during application of our test for determining constitutional adequacy under Article 6. Accordingly, the state should not ignore them in creating a remedy." This new funding is not based on consideration of actual costs and clearly ignores the cost studies and State Board's recommendations.

The at-risk floor contained in section 23 of the bill provides \$2 million for two school districts while many other districts with more at-risk students than free-lunch students do not get extra funds for their at-risk students. This floor is structurally flawed and not cost-based which creates an adequacy violation. Section 25 of the bill provides that no local school boards have any authority to spend at-risk funds until the State Board completes a best practice study on or before July 1, 2018. This is structurally unsound and creates an adequacy violation. The same is true for the increase in special education funding which is distributed by FTE as opposed to a formula. This causes funding to be distributed regardless of whether a district has special education students and costs causing an adequacy violation.

Equity. Sections 15, 17, 30, 31, 32, 49, 86 and 98 all contain equity violations because they do not provide reasonably equal access to substantially similar educational

opportunities through similar tax effort. Section 15 provides that 44 school districts will get \$30 million in additional funding without having an election while others will not have such access because they cannot get taxpayer approval for an increase in their LOB. Section 17 will result in delays in equalization to districts with declining AVPP while allowing districts with increasing AVPP to retain unwarranted equalization funds.

The Declining enrollment weighting, Ancillary school facilities weighting, Cost-of-living weighting and Capital outlay tax levy sections all violate the equity test by not providing equal access to similar tax efforts. The Ancillary school facilities weighting section will result in five districts raising \$24 million in local unequalized funding through this levy while districts with low valuations will be unable to access these funds. The Cost-of-living weighting will allow for six districts to raise \$20 million in unequalized local funding while 21 districts qualify for it. The inclusion of the protest petition also means that not all qualifying districts will be able to access these funds.

Section 86 provides for the addition of utility expenses and property and casualty insurance to the Capital outlay fund usage which creates a large equity violation. Property and casualty insurance expenses are approximately \$35 million statewide while utility expenses are approximately \$106 million statewide. The inclusion of both of these in Capital outlay would be an expansion by 53%. Expanding the use of a wealth limited fund allows districts with high wealth to shift vastly more operating expenditures into capital outlay, freeing up their general fund or LOB for offering additional education opportunities to their students. Districts with lower wealth will not have the same ability to shift expenditures as wealthy districts.

Section 98 provides the same equity violations as the other sections outlined above. By making facilities used primarily for extracurricular activity projects ineligible for capital improvement state aid unless necessary for safety or disability access, this section will force poor districts to raise unequalized funds for extracurricular activity projects which they will be unable to do. This is important because extracurricular activities have been found to be beneficial to increasing achievement.

For those reasons, it is clear that Senate Substitute for House Bill 2186 does not meet the constitutional requirements of the *Gannon* decision. This is in no way constitutional or acceptable for the school children of Kansas. —ANTHONY HENSLEY

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2067**.

The Vice President appointed Senators Tyson, Kerschen and Holland as third 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.

REPORT ON ENROLLED BILLS

SB 83 reported correctly enrolled, properly signed and presented to the Governor on May 31, 2017.

On motion of Senator Petersen, the Senate adjourned until 10:00 a.m., Thursday, June 1, 2017.

Journal of the Senate

SEVENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, June 1, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Senator Bud Estes delivered the invocation:

Heavenly Father, we ask Your blessing as we gather here today to do the people's work. Guide us and fill us with understanding and give us the ability to govern in a way that is right and proper according to Your teachings. I ask that You help us in this strenuous and difficult time that we may work together in love and respect with our fellow legislators to find solutions to the very challenging issues facing our state. We thank You for all of those around us who help in the Capitol. Their long hours of service and always cheerful attitudes are so very much appreciated. Bless our leaders and our Governor as we look for guidance from You through them. We thank You too, for all of the blessings You have bestowed upon us and the people of the state of Kansas. Be with us as we continue along life's journey, that we may be worthy in Your eyes. In Jesus' precious name, I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2092**.

The House not adopts the Conference Committee report on **HB 2313**, requests a conference and appoints Representatives Barker, Highland and Ruiz as second conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2313**.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau 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 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 Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

S Sub HB 2278 (*adoption of the committee amendments recommending a substitute bill reported in Senate Journal May 16, 2017*), be amended by the adoption of the committee amendments, and **S Sub HB 2278** be passed as amended.

Upon the showing of five hands a roll call vote was requested to recommend for passage.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Bollier, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

The motion carried.

Citing Rule 52 Senator Pyle moved to strike the enacting clause on **S Sub HB 2278**. A roll call vote was required.

On roll call, the vote was: Yeas 12; Nays 27; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wilborn.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Present and Passing: Suellentrop.

The motion failed.

A motion by Senator Wagle to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 5, by striking all in lines 39 through 43;

On page 6, by striking all in lines 1 through 29; following line 29, by inserting:

"(i) (1) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises:

(A) A state psychiatric institution;

(B) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or

(C) any building owned or leased by the authority created under the university of Kansas hospital authority act, or any building located within the health care district, as defined in the unified government of Wyandotte county and Kansas City, Kansas City-wide master plan, Rosedale master plan and traffic study or similar master plan or comprehensive planning or zoning document approved by the unified government of Wyandotte county and Kansas City, Kansas in effect on January 12, 2017.

(2) Any portion of such building located outside of a secure area and readily

accessible to the public shall remain subject to the provisions of subsection (a).";

Also on page 6, in line 30, by striking the colon; in line 31, by striking "(l)"; in line 32, by striking the semicolon; by striking all in lines 41 through 43;

On page 7, by striking all in lines 1 through 12; in line 13, by striking all before the period;

On page 8, following line 19, by inserting:

"(6) "Secure area" means any portion of a building designated as a secure area by the governing body or the chief administrative officer, if no governing body exists, of such building: (A) That is accessible only through a restricted access entrance or for which access is restricted to only individuals who have been issued a badge or other form of identification by building personnel; (B) that has gun lockers or similar storage options available in the building to ensure firearms are securely stored upon entry to such secure area; and (C) that is conspicuously posted with either permanent or temporary signage at the entrance to such secure area approved by the governing body or the chief administrative officer, if no governing body exists, in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments thereto. No structure or any portion thereof designated for the parking of motor vehicles shall be considered a building for purposes of this paragraph. No building may be designated as a secure area in its entirety.";

Also on page 8, following line 28, by inserting:

"(9) "State psychiatric institution" means Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center and Kansas neurological institute.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 24; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Estes, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

EXPLANATION OF VOTE

Mr. Vice President: I appreciate the fiscal concerns that the University of Kansas Medical Center and the State Hospitals have for coming into compliance with concealed carry and securing their facilities. However, there are 60 plus rural health care organizations that have similar fiscal concerns with compliance and they are not included in this amendment. Many of these hospitals are under considerable financial stress and this would just compound that problem. Therefore I cannot support this amendment.—ED BERGER

Senators Bowers, Francisco, Givens, Hardy, Hawk, Kelly, Pettey, Rogers and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **S Sub HB 2278**.

Mr. Vice President: It was stated earlier that the Governor will support this amendment but will not sign the underlying bill. I refuse to be held hostage by the Governor's pen and vote NO on this amendment.—BARBARA BOLLIER

Senators Bowers, Francisco, Givens, Haley, Hardy, Hawk, Kelly, Pettey, Rogers and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **S Sub HB 2278**.

A motion by Senator Masterson to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 6, in line 17, by striking all before "by".

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 5; Nays 29; Present and Passing 6; Absent or Not Voting 0.

Yeas: Doll, Francisco, Hawk, Hensley, Kelly.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Faust-Goudeau, Haley, Holland, Longbine, V. Schmidt, Sykes.

EXPLANATION OF VOTE

Mr. Vice President: I am voting no on this amendment. I am supportive of another Senator who suggests that concealed carry on college campuses be part of a different bill and considered separately from the bill before us. I also want to honor the carrier of this bill who has requested that this bill be passed out of this chamber with no amendments and focus exclusively on healthcare facilities.—ED BERGER

Senators Hardy, Hawk, Rogers, Skubal and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **S Sub HB 2278**.

Mr. Vice President: I vote "AYE" on the amendment to the **S Sub HB 2278** to strike the date of July 1, 2017, in Section 2 (j). The change would allow a governing body of any postsecondary educational institution to exempt any building of such institution from the requirement of the Personal and Family Protection Act to provide adequate security measures or allow for the carrying of a concealed handgun beyond that date. The substitute bill was recommended to exempt state or municipally-owned medical care facilities, adult care homes, community mental health centers and indigent health care clinics from that requirement and I fully support doing that. However, the Lawrence campus of the University of Kansas is in my district and I recognize that many of my constituents are just as concerned with the impending change for that campus, especially as there are no longer requirements for licensing and training, as they are with the change for the Bert Nash Mental Health Center and the Lawrence Memorial Hospital. Allowing concealed carry in any of these institutions makes no sense to me. My vote is to allow the prohibition of concealed carry in all of them.—MARCI FRANCISCO

A motion by Senator Pyle to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 8, following line

33, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2016 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2016 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

(3) is less than 21 years of age, except as provided in subsection (d).

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of a course that satisfies the requirements of subsection (b)(1), in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant;

(C) evidence of completion of a course offered in another jurisdiction which is determined by the attorney general to have training requirements that are equal to or greater than those required by this act; or

(D) a determination by the attorney general pursuant to subsection (c).

(c) The attorney general may:

(1) Create a list of concealed carry handgun licenses or permits issued by other jurisdictions which the attorney general finds have training requirements that are equal to or greater than those of this state; and

(2) review each application received pursuant to K.S.A. 2016 Supp. 75-7c05, and amendments thereto, to determine if the applicant's previous training qualifications were equal to or greater than those of this state.

(d) A person who is on active duty with any branch of the armed forces of the United States may be issued a license if such person is not less than 18 years of age.

~~(d)~~(e) For the purposes of this section:

(1) "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having required, at a minimum, the applicant to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency in the safe handling, storage and actual firing of handguns.

(2) "Jurisdiction" means another state or the District of Columbia.

(3) "License or permit" means a concealed carry handgun license or permit from another jurisdiction which has not expired and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.";

Also on page 8, in line 34, after "Supp." by inserting "75-7c04,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "75-7c04,".

A ruling of the chair was requested as to the germaneness of the amendment. The Subcommittee on Rules determined the amendment was germane to the bill.

Upon the showing of five hands a roll call vote was requested on the amendment.

On roll call, the vote was: Yeas 17; Nays 20; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Estes, Fitzgerald, Haley, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

Nays: Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Hardy, Hawk, Hensley, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

Present and Passing: Givens, Goddard, Holland.

A motion by Senator Hilderbrand to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 8, following line 33, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) (A) Subject to the provisions of subsection (a)(1)(B), the name, address, social security number, Kansas driver's license number or Kansas nondriver's license identification number, place and date of birth, a photocopy of the applicant's driver's license or nondriver's identification card and a photocopy of the applicant's certificate of training course completion; (B) in the case of an applicant who presents proof that such person is on active duty with any branch of the armed forces of the United States, or is the dependent of such a person, and who does not possess a Kansas driver's license or Kansas nondriver's license identification, the number of such license or identification shall not be required;

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 2016 Supp. 75-7c04, and amendments thereto;

(3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 2016 Supp. 21-5903, and amendments thereto; and

(5) a statement that the applicant desires a concealed handgun license as a means of lawful self-defense.

(b) Except as otherwise provided in subsection (i), the applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) a nonrefundable license fee of ~~\$132.50~~ \$75, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of ~~\$32.50~~ \$25 payable to the sheriff of the county where the applicant resides and ~~\$100~~ \$50 payable to the attorney general;

(3) if applicable, a photocopy of the proof of training required by K.S.A. 2016 Supp. 75-7c04(b)(1), and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) Except as otherwise provided in subsection (i), the sheriff, upon receipt of the items listed in subsection (b), shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff. Notwithstanding anything in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal application under K.S.A. 2016 Supp. 75-7c08, and amendments thereto.

(2) The sheriff of the applicant's county of residence or the chief law enforcement officer of any law enforcement agency, at the sheriff's or chief law enforcement officer's discretion, may participate in the process by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or chief law enforcement officer submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for the purpose of administering this act.

(d) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards, including an inquiry of the national instant criminal background check system for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime or has been the subject of any restraining order or any mental health related finding that would disqualify the applicant from holding a license under this act. The attorney general is authorized to use the information obtained from the state or national criminal

history record check to determine the applicant's eligibility for such license.

(e) Within 90 days after the date of receipt of the items listed in subsection (b), the attorney general shall:

(1) Issue the license and certify the issuance to the department of revenue; or

(2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant is disqualified under the criteria listed in K.S.A. 2016 Supp. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative procedure act.

(f) Each person issued a license shall pay to the department of revenue a fee for the cost of the license which shall be in amounts equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for replacement of a driver's license.

(g) (1) A person who is a retired law enforcement officer, as defined in K.S.A. 2016 Supp. 21-5111, and amendments thereto, shall be: (A) Required to pay an original license fee as provided in subsection (b)(2), to be forwarded by the sheriff to the attorney general; (B) exempt from the required completion of a handgun safety and training course if such person was certified by the Kansas commission on peace officer's standards and training, or similar body from another jurisdiction, not more than eight years prior to submission of the application; (C) required to pay the license renewal fee; (D) required to pay to the department of revenue the fees required by subsection (f); and (E) required to comply with the criminal history records check requirement of this section.

(2) Proof of retirement as a law enforcement officer shall be required and provided to the attorney general in the form of a letter from the agency head, or their designee, of the officer's retiring agency that attests to the officer having retired in good standing from that agency as a law enforcement officer for reasons other than mental instability and that the officer has a nonforfeitable right to benefits under a retirement plan of the agency.

(h) A person who is a corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons, as defined by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay an original license fee as provided in subsection (b)(2); (2) exempt from the required completion of a handgun safety and training course if such person was issued a certificate of firearms training by the department of corrections or the federal bureau of prisons or similar body not more than one year prior to submission of the application; (3) required to pay the license renewal fee; (4) required to pay to the department of revenue the fees required by subsection (f); and (5) required to comply with the criminal history records check requirement of this section.

(i) A person who presents proof that such person is on active duty with any branch of the armed forces of the United States and is stationed at a United States military installation located outside this state, may submit by mail an application described in subsection (a) and the other materials required by subsection (b) to the sheriff of the county where the applicant resides. Provided the applicant is fingerprinted at a United States military installation, the applicant may submit a full set of fingerprints of such applicant along with the application. Upon receipt of such items, the sheriff shall

forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general.”;

Also on page 8, in line 34, after "Supp." by inserting "75-7c05,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "75-7c05,"

A ruling of the chair was requested as to the germaneness of the amendment. The Subcommittee on Rules determined the amendment was germane to the bill.

Upon the showing of five hands a roll call vote was requested on the amendment.

On roll call, the vote was: Yeas 15; Nays 23; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Estes, Fitzgerald, Givens, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Bowers, Denning, Doll, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Kerschen, Longbine, Lynn, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

Present and Passing: Faust-Goudeau, Holland.

EXPLANATION OF VOTE

Mr. Vice President: Voting “NO” on this amendment which would allow only concealed carry PERMIT holders to access our public facilities is easy for me. As a part of my Explanation of Vote for supporting **SB 45** in 2015 (regarding public PERMITLESS concealed carry of weapons) stated (and which was signed on to by a record TWENTY Republican Senators), “...in our society, I prefer to favor the lawful over the lawless...provide the same personal safety and protection to a...law-abiding gun owning citizen that parallels (simply)...unregistered gun possess(ing).” This amendment reinstates, though lowers the cost of, the economic and time-consumptive annual registration fees and training requirements which creates the disparity among those who CAN NOT afford either but deserve to be able to lawfully arm themselves just as much as those who CAN afford the money and the time to “register” and garner a “permit.” Again, I proudly and consistently vote NO on a reinstatement that will now, once again, perpetuate discrimination based on financial and free time ability favoring “legal” permit holders to carry weapons.—DAVID HALEY

A motion by Senator Pilcher-Cook to amend **S Sub HB 2278** failed.

An amendment was offered by Senator Alley on **S Sub HB 2278**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

An amendment was offered by Senator Tyson on **S Sub HB 2278**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

Senator Olson motioned to return **S Sub HB 2278** jointly to the Committee on Federal and State Affairs and the Committee on Ways and Means.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson.

Nays: Berger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

Present and Passing: Billinger, Wagle.
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 **S Sub HB 2278** was advanced to Final Action and roll call.

S Sub HB 2278, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed firearms in certain buildings; concerning the liability of public employers; amending K.S.A. 2016 Supp. 75-7c10 and 75-7c20 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Bollier, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

The substitute bill passed.

EXPLANATION OF VOTE

Mr. Vice President: As a strong supporter of the Second Amendment and a member of NRA it is with concerns that I vote in support of this bill. Earlier I proposed an amendment that would have provided a solid compromise between those who would allow guns on hospital campuses and those who would prohibit guns in these facilities. It would have only allowed those with concealed carry permits to carry in these environments. It would not have provided any burden for security, the same process and procedures that are currently in place could have been utilized. It would have provided assurance that those carrying had the appropriate training, had respect for the weapon, could use the weapon and were aware of safety issues. Contrast this with those carrying without the permit who do not necessarily have respect for the weapon or the skills necessary to use the weapon. This amendment passed the Senate but did not have adequate support to stay in the bill. Being aware of the economic impact of compliance and the fact that no other state allows guns on their campuses I reluctantly vote for this bill.—ED BERGER

Senators Givens, Goddard, and Hardy request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **S Sub HB 2278**.

Mr. Vice President: I vote yes. I support **S Sub HB 2278** that provides for sanity on the carrying of guns in our state mental hospitals, our state and municipal-owned medical care facilities, our adult care homes, our community mental health centers, our indigent health care clinics, and the University of Kansas Hospital Authority. The United States Supreme Court in its Heller decision on the Second Amendment stated "like most rights, The Second Amendment right is not unlimited... The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of

firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.” Strong reasons were made in debate that supported the legal, safety and financial wisdom of this decision today. I believe those same reasons should also apply to campus carry in our state’s post-secondary institutions. Recognizing and supporting the importance of keeping the hospital portion of this bill as a prime focus, I remain disappointed that we have not been able to deal with the prohibition of guns on our college campuses. It is my sincere hope that we will deal with the original **SB 53** on the floor of this Senate before final adjournment.—TOM HAWK

Senators Bollier, Francisco, Hensley, Holland, Kelly, Pettey, Rogers, Skubal and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **S Sub HB 2278**

Mr. Vice President: I would like to thank the ladies who were here with us today, the “Moms Demand Action for Gun Sense” group. I appreciate their presence and patience in working to have their voices heard. I also want to recognize one of their members, Alison Bauer, who was tragically killed in an auto accident nearly two weeks ago. I saw and spoke with Alison nearly three weeks ago here when she was advocating on this issue. Alison, this one’s for you.—TOM HOLLAND

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Holland on **S Sub HB 2278**.

Mr. Vice President: I vote yes on **S Sub HB 2278**. I rise on behalf of the 10,000 plus employees and the tens of thousands of grateful patients from every corner of Kansas and give voice to their respectful support of this legislation. Passage of this bill will maintain that the Kansas University hospital authority will have the same policy as all other hospitals in a 7-county metro area with the prohibition on guns.—PAT PETTEY

Senators Hawk, Holland, Kelly, Rogers, Skubal, and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2278**.

MESSAGES FROM THE GOVERNOR

SB 23 approved on June 1, 2017.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub HB 2186**, requests a conference and has appointed Representatives Campbell, Aurand and Trimmer as conferees on the part of the House.

The House announced the appointment of Representatives Campbell, Aurand and Trimmer as conferees on **SB 19**.

ORIGINAL MOTION

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **S Sub HB 2186**.

The Vice President appointed Senators Denning, McGinn and Hensley as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 254, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal use of weapons; exempting certain suppressors; amending K.S.A. 2016 Supp. 21-6301 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 254** to the Committee on **Federal and State Affairs**.

On motion of Senator Longbine, the Senate adjourned until 10:00 a.m., Friday, June 2, 2017.

Journal of the Senate

EIGHTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, June 2, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Julia Lynn was excused.
Senator Marci Francisco delivered the invocation:

May this be a day of wisdom. May this be a day of peace. May this be a day of joy. May we share food and flowers from our gardens. May we share ideas and thoughts from our hearts. But may we hold our tongues when we are angry, or, at the very least, have counted to 10 first. May we give others the help and support they need. May we remember to thank others for the help and support they have given us, our friends and our families. May we always remember that we are here in the Capitol because we want to help others. So may we do what is best for the people of Kansas on this day and on every other. And so be it. Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Martha Dorsey who is retiring after 16 years working in the Kansas Legislative Research Department.

Senators honored Martha with a standing ovation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1755—

A RESOLUTION congratulating and commending
the Butler County Community College Grizzlies softball team.

WHEREAS, On May 20, 2017, the Butler County Community College Grizzlies softball team won their second consecutive National Junior College Athletic Association (NJCAA) National Championship; and

WHEREAS, The team finished with a final record of 58 wins and 1 loss, which includes a 50-game winning streak; and

WHEREAS, The national championship tournament was held in St. George, Utah. The Grizzlies won the national title by defeating Salt Lake Community College 11-7 in

the championship game. Butler went 5-0 in the national tournament and defeated teams from Alabama, Texas, Arizona, and Utah by a combined score of 53-14; and

WHEREAS, The Grizzlies are the first team in 25 years to win consecutive championships. The last team to do so was Central Arizona College, which won five straight from 1988 to 1992; and

WHEREAS, After winning its final 38 games in the 2016 season, the Grizzlies started the 2017 season 50-0. The 88-game winning streak is the longest in the history of college softball and surpassed the record of 55 straight set by Northern Kentucky University in 2005; and

WHEREAS, The Grizzlies are 111-5 over the past two years, and head coach Doug Chance, a Kansas native, has a record of 564-148 (.792) in 13 years as Butler's head coach, which is an average of 43 wins per season; and

WHEREAS, Butler had four players from Kansas in the starting lineup during the national title game and started as many as six Kansas players in games throughout the season; and

WHEREAS, Among the Kansas players to start in the tournament were: Tournament MVP Becca Schulte, Andover; and Outfielder Brynn Minor, Goddard, who hit three home runs in the championship game. Other Kansas players on the roster come from Derby, Towanda, Topeka and Maize; and

WHEREAS, Members of the team are: Caylie Kifer; Brynn Minor; Ki'Audra Hayter; Reagan Wilson; Tyesha Morgan; Chloe Holman; Beanie Luttig; Becca Schulte; Allison Jurgensen; Paige Pacher; Celina Sullivan; Tamarah Mascher; Regan Mergele; Alexis Reed; Kenzie Young; Nykiah Hines; Darriane Hale; and Maddie Siemer; and

WHEREAS, Along with head coach Doug Chance, the assistant coaches are: Zach Sigler; Jeff Filali; and Matt Sanders: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Butler County Community College Grizzlies softball team, and we wish them the best of luck as they strive toward a third consecutive national championship; and

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

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

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

SENATE RESOLUTION No. 1756—

A RESOLUTION congratulating and commending
the Pittsburg State University Women's Outdoor Track and Field team.

WHEREAS, The Pittsburg State University Gorillas captured the 2016 National Collegiate Athletic Association (NCAA) Division II Women's Outdoor Track and Field Championship on May 28, 2016, in Bradenton, Florida; and

WHEREAS, Pittsburg State also captured the 2016 Mid-America Intercollegiate Athletic Association (MIAA) Women's Outdoor Track and Field Championship; and

WHEREAS, There were 11 Gorillas who earned All-MIAA honors, and another eight who earned NCAA Division II All-American recognition, including two individual national champions: Senior Cassie Caswell, shot put and sophomore Emilee Iverson, high jump; and

WHEREAS, Pittsburg State had three Gorillas earn district and national academic honors, including College Sports Information Directors of America Academic All-American selections: Seniors Cassie Caswell and Hannah DeVries and junior Emilyn Dearman; and

WHEREAS, Pittsburg State's 50-student team posted a cumulative 3.41 grade point average (GPA) during the Spring 2016 semester; and

WHEREAS, Pittsburg State had nine track and field athletes achieve a perfect 4.0 GPA during the Spring 2016 semester and five other athletes who earned Dean's Scholastic honors; and

WHEREAS, Pittsburg State head coach Russ Jewett was selected as the MIAA, Central Region and NCAA Division II Coach of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Pittsburg State University Women's Outdoor Track and Field team; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Hilderbrand.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2278**.

On motion of Vice President Longbine, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

Senator Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2407, HB 2409**.

COMMITTEE OF THE WHOLE

On motion of Senator Schmidt, 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:

HB 2409 be amended by the adoption of the committee amendments, be further amended by motion of Hawk; on page 1, in line 20, after "(a)" by inserting "Except as provided in subsection (c),"; following line 29, by inserting:

"(c) The secretary of administration will approve contracts, or may waive application of this section on any contract with any state agency if the secretary determines that compliance is not practicable or in the best interest of the state."

Upon the showing of 5 hands a roll call vote was requested

On roll call, the vote was: Yeas 25; Nays 13; Present and Passing 1; Absent or Not Voting 1.

Yeas: Berger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine,

McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

Present and Passing: Wilborn.

Absent or Not Voting: Lynn.

And the bill be passed as further amended.

EXPLANATION OF VOTE

Madam President: The vote on this amendment was a clear choice between avoiding potential inconvenience of the education establishment and making a clear, unambiguous statement against anti-semitism. The Senate chose to avoid a possible inconvenience for the education establishment and against Israel. I am ashamed.—STEVE FITZGERALD

Senators Olson, Pilcher-Cook and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Fitzgerald on the amendment on **HB 2409**.

HB 2407 be amended by the adoption of the committee amendments, be further amended by motion of Senator Billinger; on page 2, in line 17, by striking "75-3043a and", and **HB 2407** be passed as further amended.

On motion of Senator Schmidt, 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 announced the appointment of Representative Highland to replace Representative Barker as chairperson of the conference committee on **HB 2313**. Representative Williams was appointed to replace Representative Barker as a conferee on the bill.

REPORT ON ENROLLED BILLS

H Sub SB 42; SB 201 reported correctly enrolled, properly signed and presented to the Governor on June 2, 2017.

SR 1753, SR 1754 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 2, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 22-26 and May 30-June 2, 2017:

Senator Bowers: commending Phillips County Health Systems on being named a Top 20 Critical Access Hospital, commending Smith Center Health and Rehab on receiving the 2017 Mission Health Community of the Year Award, congratulating Paige Robins on winning the state championship in prose interpretation, congratulating Diane McReynolds on being named Rooks County Health Center Volunteer of the Year, congratulating Jack and Kathie Crispin on receiving the 2017 KPA Advocacy Award for

Excellence;

Senator Hardy: recognizing Jason Gage for his service to the City of Salina, recognizing the City of Salina on its 100 years of city management, congratulating Stratton Brown on winning his second consecutive tennis state championship, congratulating Tyler Ross on being named a Presidential Scholar; and

Senator Rogers: commending Barb Myers for her service to the Friends of the Wichita Pioneers at Highland Cemetery, commending St. Mary's Orthodox Christian Church for hosting the annual Mediterranean Festival, congratulating Keith Humphrey and Jet Airwerks on its 10th Anniversary.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Saturday, June 3, 2017.

Journal of the Senate

EIGHTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, June 3, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 38 senators present.
Senators Lynn and Masterson were excused.

President Wagle introduced Father John Pilcher, Mater Dei Catholic Church in Topeka, to deliver the invocation:

Lord God, Almighty, Lord of heaven and earth. You are awesome in all of Your works especially in the fact that You give us an opportunity to love You in our work. Thank You for the gift of life and for the gift of each other. We ask for Your presence and for Your help in the things that we consider and do today. We pray for all Your people, especially the people of Kansas. Guide us in Your ways for You are the one who put order in the universe and gave us laws that we may observe the wonders of Your majesty. Help us to make laws that are in keeping with Your design and that help us to love one another as You have loved us. May we learn from one another and grow in mutual respect for those whom we don't necessarily agree. Give us wisdom and right judgment so that all we do and say may please You. Bless all our senators in their work and all of our Kansas government so that we may glorify Your Holy Name. Pour forth Your grace and allow us to do the work that You set before us with love and concern for the people that we serve. We ask this in Your most Holy Name. Amen

The Pledge of Allegiance was led by President Wagle.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff 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 2079**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2407, AN ACT concerning real estate; relating to duties of the attorney general and the secretary of administration; authorizing the department of wildlife, parks and

tourism to purchase land in Sherman county, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 0; Absent or Not Voting 3.

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

Nays: Pilcher-Cook, Tyson.

Absent or Not Voting: Lynn, Masterson, Suellentrop.

The bill passed, as amended.

HB 2409, AN ACT concerning state contracts; relating to contract requirements; limitations on procurement, investment or other policy, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 9; Present and Passing 0; Absent or Not Voting 3.

Yeas: Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hawk, Hilderbrand, Holland, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Taylor, Wagle, Wilborn.

Nays: Alley, Bollier, Francisco, Haley, Hensley, Kelly, Pilcher-Cook, Sykes, Tyson.

Absent or Not Voting: Lynn, Masterson, Suellentrop.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **HB 2409**. Nonviolent political boycotts have consistently been held as core political speech, unquestionably protected under the First Amendment. Further, the United States Constitution prohibits government from conditioning eligibility for public contracts upon political affiliation. Government contractors are protected against unconstitutional conditions placed on the exercise of constitutional rights, including coercion of political association and, as in this bill, coercion of non-association. I do believe, however, that we should address our concerns, and I urge Kansas citizens to exercise their constitutional rights and carefully consider their individual purchases. —MARC FRANCISCO

Senators Bollier, Haley, Kelly and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **HB 2409**.

Mr. Vice President: I vote "No" on the CCR for **HB 2409**. While strongly in favor of the underlying bill, when an amendment was added, it created such a large loophole, it made the underlying bill ineffective. It is better not to have legislation at all rather than to deceive Kansas citizens so they think the legislation actually helps to protect Israel.

—MARY PILCHER-COOK

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2079** 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 6 through 34;

On page 2, by striking all in lines 1 through 5; following line 5, by inserting:

"New Section 1. (a) An eligible provider, as described in subsection (b), in addition to the rate of payment that the provider would otherwise receive for medicaid ground emergency medical transportation services, shall receive supplemental medicaid reimbursement to the extent provided by law.

(b) A provider shall be eligible for supplemental reimbursement only if the provider meets the following conditions during the reporting period:

(1) Provides ground emergency medical transportation services to medicaid beneficiaries;

(2) is a provider that is enrolled as a medicaid provider for the period being claimed; and

(3) is owned or operated by the state, a political subdivision or local government, that employs or contracts with persons or providers who are licensed or permitted to provide emergency medical services in the state of Kansas, including hospitals and private entities to the extent permissible under federal law.

(c) An eligible provider's supplemental reimbursement pursuant to this section shall be calculated and paid as follows:

(1) The supplemental reimbursement to an eligible provider, as described in subsection (b), shall be equal to the amount of federal financial participation received as a result of the claims submitted pursuant to subsection (f)(2);

(2) in no instance may the amount certified pursuant to subsection (c)(1), when combined with the amount received from all other sources of reimbursement from the medicaid program, exceed or be less than 100% of actual costs, as determined pursuant to the medicaid state plan, for ground emergency medical transportation services; and

(3) the supplemental medicaid reimbursement provided by this section must be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to medicaid beneficiaries by eligible providers on a per-transport basis or other federally permissible basis. The department of health and environment shall obtain approval from the federal centers for medicare and medicaid services for the payment methodology to be utilized, and shall not make any payment pursuant to this section prior to obtaining that approval.

(d) (1) It is the legislature's intent in enacting this section to provide the supplemental reimbursement described in this section without any expenditure from the state general fund. An eligible provider, as a condition of receiving supplemental reimbursement pursuant to this section, shall enter into, and maintain, an agreement with the department for the purposes of implementing this section and reimbursing the department for the costs of administering this section.

(2) The nonfederal share of the supplemental reimbursement submitted to the federal centers for medicare and medicaid services for purposes of claiming federal financial participation shall be paid only with funds from the governmental entities described in subsection (b)(3) and certified to the state as provided in subsection (e).

(e) Participation in the program by an eligible provider described in this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement pursuant to this section on behalf of an eligible provider, the governmental entity shall do the following:

(1) Certify, in conformity with the requirements of 42 C.F.R. § 433.51, that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation;

(2) provide evidence supporting the certification as specified by the department;

(3) submit data as specified by the department to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation; and

(4) keep, maintain, and have readily retrievable any records specified by the department to fully disclose reimbursement amounts to which the eligible provider is entitled, and any other records required by the federal centers for medicare and medicaid services.

(f) The department shall promptly seek any necessary federal approvals for the implementation of this section. The department may limit the program to those costs that are allowable expenditures under title XIX of the federal social security act, 42 U.S.C. § 1396 et seq. If federal approval is not obtained for implementation of this section, this section shall not be implemented.

(1) The department shall submit claims for federal financial participation for the expenditures for the services described in subsection (e) that are allowable expenditures under federal law.

(2) The department shall submit any necessary materials to the federal government to provide assurances that claims for federal financial participation will include only those expenditures that are allowable under federal law. The department may utilize intergovernmental transfers or certified public expenditures to implement this section subject to the same provisions and requirements of section 2, and amendments thereto.

New Sec. 2. (a) The department of health and environment shall design and implement, in consultation and coordination with eligible providers as described in subsection (b), an intergovernmental transfer program relating to medicaid managed care, ground emergency medical transport services and those services provided by emergency medical services personnel at the emergency medical responder, emergency medical technician, advanced emergency medical technician and paramedic levels in the pre-stabilization and preparation for transport.

(b) A provider shall be eligible to transfer public funds to the state pursuant to this section only if the provider meets both of the following conditions in an applicable reporting period:

(1) Provides ground emergency medical transport services to medicaid managed care enrollees pursuant to a contract or other arrangement with a medicaid managed care plan; and

(2) is owned or operated by the state, a political subdivision or local government that employs or contracts with persons or providers who are licensed or permitted to provide emergency medical services in the state of Kansas, including hospitals and private entities to the extent permissible under federal law.

(c) To the extent intergovernmental transfers are voluntarily made by, and accepted from, an eligible provider described in subsection (b), or a governmental entity affiliated with an eligible provider, the department shall make increased capitation payments to applicable medicaid managed care plans.

(1) The increased capitation payments made pursuant to this section shall be, at a minimum, in actuarially determined amounts to the extent permissible under federal law.

(2) Except as provided in subsection (f), funds associated with intergovernmental transfers made and accepted pursuant to this section shall be used to fund additional payments to medicaid managed care plans.

(3) Medicaid managed care plans shall enter into contracts or contract amendments with eligible providers for the disbursement of increased capitation payments made pursuant to this section.

(d) The intergovernmental transfer program developed pursuant to this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. To the extent permissible under federal law, the department shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as approved by the federal centers for medicare and medicaid services.

(e) Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

(f) This section shall be implemented without any additional expenditure from the state general fund. As a condition of participation under this section, each eligible provider as described in subsection (b), or the governmental entity affiliated with an eligible provider, shall agree to reimburse the department for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to 20% of the non-federal share paid to the department and shall be allowed to count as a cost of providing the services not to exceed 120% of the total amount.

(g) As a condition of participation under this section, medicaid managed care plans, eligible providers as described in subsection (b), and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

(h) This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized and any necessary federal approvals have been obtained.

(i) To the extent that the department determines that the payments made pursuant to this section do not comply with federal medicaid requirements, the department may return or not accept an intergovernmental transfer and may adjust payments pursuant to this section as necessary to comply with federal medicaid requirements.

(j) The state of Kansas and the department of health and environment shall implement whatever program the federal centers for medicare and medicaid services approves for use in Kansas under sections 1 and 2, and amendments thereto.

New Sec. 3. There is hereby established in the state treasury the community mental health center improvement fund. All moneys credited to the community mental health center improvement fund shall be used by the Kansas department for aging and disability services only for purposes related to community mental health centers. All expenditures from the community mental health center improvement fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.

Sec. 4. K.S.A. 2016 Supp. 40-3213 is hereby amended to read as follows: 40-3213.
 (a) Every health maintenance organization and medicare provider organization subject to this act shall pay to the commissioner the following fees:

- (1) For filing an application for a certificate of authority, \$150;
- (2) for filing each annual report, \$50;
- (3) for filing an amendment to the certificate of authority, \$10.

(b) Every health maintenance organization subject to this act shall pay annually to the commissioner at the time such organization files its annual report, a privilege fee in an amount equal to ~~1% per annum~~ the following percentages of the total of all premiums, subscription charges or any other term ~~which that~~ may be used to describe the charges made by such organization to enrollees, ~~except: 3.31% during the reporting period beginning January 1, 2015, and ending December 31, 2017, the privilege fee shall be 3.31%, and 5.77% on and after January 1, 2018, the privilege fee shall be 2%.~~ In such computations all such organizations shall be entitled to deduct therefrom any premiums or subscription charges returned on account of cancellations and dividends returned to enrollees. If the commissioner shall determine at any time that the application of the privilege fee, or a change in the rate of the privilege fee, would cause a denial of, reduction in or elimination of federal financial assistance to the state or to any health maintenance organization subject to this act, the commissioner is hereby authorized to terminate the operation of such privilege fee or the change in such privilege fee.

(c) For the purpose of insuring the collection of the privilege fee provided for by subsection (b), every health maintenance organization subject to this act and required by subsection (b) to pay such privilege fee shall at the time it files its annual report, as required by K.S.A. 40-3220, and amendments thereto, make a return, generated by or at the direction of its chief officer or principal managing director, under penalty of K.S.A. 2016 Supp. 21-5824, and amendments thereto, to the commissioner, stating the amount of all premiums, assessments and charges received by the health maintenance organization, whether in cash or notes, during the year ending on the last day of the preceding calendar year. Upon the receipt of such returns the commissioner of insurance shall ~~verify the same such returns and assess~~ reconcile the fees pursuant to subsection (f) upon such organization on the basis and at the rate provided ~~herein and such fees shall thereupon become due and payable in this section.~~

(d) Premiums or other charges received by an insurance company from the operation of a health maintenance organization subject to this act shall not be subject to any fee or tax imposed under the provisions of K.S.A. 40-252, and amendments thereto.

(e) Fees charged 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, except during the period beginning July 1, 2015, and ending on June 30, 2018, such deposit shall be to the credit of the medical assistance fee fund created by K.S.A. 2016 Supp. 40-3236, and amendments thereto.~~

(f) (1) On and after January 1, 2018, in addition to any other filing or return required by this section, each health maintenance organization shall submit a report to the commissioner on or before March 31 and September 30 of each year containing an estimate of the total amount of all premiums, subscription charges or any other term that

may be used to describe the charges made by such organization to enrollees that the organization expects to collect during the current calendar year. Upon filing each March 31 report, the organization shall submit payment equal to ½ of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimate. Upon filing each September 30 report, the organization shall submit payment equal to the balance of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimates.

(2) Any amount of privilege fees actually owed by a health maintenance organization during any calendar year in excess of estimated privilege fees paid shall be assessed by the commissioner and shall be due and payable upon issuance of such assessment.

(3) Any amount of estimated privilege fees paid by a health maintenance organization during any calendar year in excess of privilege fees actually owed shall be reconciled when the commissioner assesses privilege fees in the ensuing calendar year. The commissioner shall credit such excess amount against future privilege fee assessments. Any such excess amount paid by a health maintenance organization that is no longer doing business in Kansas and that no longer has a duty to pay the privilege fee shall be refunded by the commissioner from funds appropriated by the legislature for such purpose.

Sec. 5. K.S.A. 2016 Supp. 40-3236 is hereby amended to read as follows: 40-3236.

(a) There is hereby created in the state treasury the medical assistance fee fund. The commissioner of insurance shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, all moneys collected or received by the commissioner from health maintenance organizations and medicare provider organizations for the fees specified in K.S.A. 40-3213, 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 medical assistance fee fund.

(b)(1) Moneys in the medical assistance fee fund shall be expended subject to the following priorities:

(A) First, to restore any reductions initiated during calendar year 2016 to provider reimbursement rates for state medicaid services;

(B) second, on July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount of \$3,500,000 to the community mental health center improvement fund created by section 3, and amendments thereto, and on July 1 of each year thereafter, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer the amount of \$5,000,000 to the community mental health center improvement fund established by section 3, and amendments thereto;

(C) third, to transfer moneys to the Kansas newborn screening fund pursuant to K.S.A. 65-180, and amendments thereto; and

(D) fourth, if any moneys remain, for the purpose of medicaid medical assistance payments.

(2) All expenditures from the medical assistance fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the medical assistance fee fund interest earnings based on:

(1) The average daily balance of moneys in the medical ~~programs~~ assistance fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) The medical assistance fee fund shall be used for the purposes set forth in this act and for no other governmental purposes. It is the intent of the legislature that the fund shall remain intact and inviolate for the purposes set forth in this act, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(e) The secretary of health and environment shall prepare and deliver to the legislature on or before the first day of each regular legislative session; a report ~~which~~ that summarizes all expenditures from the medical assistance fee fund, fund revenues and recommendations regarding the adequacy of the fund to support necessary medical assistance programs.

~~(f) The provisions of this section shall expire on July 1, 2018.~~

Sec. 6. K.S.A. 2016 Supp. 65-180 is hereby amended to read as follows: 65-180. The secretary of health and environment shall:

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

(b) Provide recognized screening tests for phenylketonuria, galactosemia, hypothyroidism and such other diseases as may be appropriately detected with the same specimen. The initial laboratory screening tests for these diseases shall be performed by the department of health and environment or its designee for all infants born in the state. Such services shall be performed without charge.

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

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

(e) Provide, within the limits of appropriations available therefor, the necessary treatment product for diagnosed cases for as long as medically indicated, when the product is not available through other state agencies. In addition to diagnosed cases

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

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

(g) (1) Except for treatment products provided under subsection (e), if the medically necessary food treatment product for diagnosed cases must be purchased, the purchaser shall be reimbursed by the department of health and environment for costs incurred up to \$1,500 per year per diagnosed child age 18 or younger at 100% of the product cost upon submission of a receipt of purchase identifying the company from which the product was purchased. For a purchaser to be eligible for reimbursement under this subsection, the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

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

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

(h) The department of health and environment shall continue to receive orders for both necessary treatment products and necessary food treatment products, purchase such products, and shall deliver the products to an address prescribed by the diagnosed individual. The department of health and environment shall bill the person or persons

who have legal responsibility for the diagnosed patient for a pro-rata share of the total costs, in accordance with the rules and regulations adopted pursuant to this section.

(i) The secretary of health and environment shall adopt rules and regulations as needed to require, to the extent of available funding, newborn screening tests to screen for treatable disorders listed in the core uniform panel of newborn screening conditions recommended in the 2005 report by the American college of medical genetics entitled "Newborn Screening: Toward a Uniform Screening Panel and System" or another report determined by the department of health and environment to provide more appropriate newborn screening guidelines to protect the health and welfare of newborns for treatable disorders.

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

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

(l) There is hereby established in the state treasury the Kansas newborn screening fund ~~which that~~ shall be administered by the secretary of health and environment. All expenditures from the fund shall be for the newborn screening program. 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 secretary of health and environment or the secretary's designee. ~~Each month On July 1 of each year,~~ the director of accounts and reports shall determine the amount credited to the state general medical assistance fee fund pursuant to K.S.A. 40-3213, and amendments thereto, and shall transfer the estimated portion of such amount that is necessary to fund the newborn screening program for the ~~preceding month ensuing~~ fiscal year as certified by the secretary of health and environment or the secretary's designee; to the Kansas newborn screening fund, except that such amount shall not exceed ~~the amount to be credited to the state general fund pursuant to K.S.A. 40-3213, and amendments thereto~~ \$2,500,000 in any one fiscal year.

Sec. 7. K.S.A. 2016 Supp. 40-3213, 40-3236 and 65-180 are hereby repealed.";

Also on page 2, in line 7, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "health and healthcare; providing for reimbursement to eligible providers for medicaid ground emergency medical transportation services; relating to health maintenance organizations; privilege fees; rate; disposition of moneys; extending the medical assistance fee fund; establishing the community mental health center improvement fund; amending K.S.A. 2016 Supp. 40-3213, 40-3236 and 65-180 and repealing the existing sections";

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

CAROLYN MCGINN

RICK BILLINGER

LAURA KELLY

Conferees on part of Senate

TROY WAYMASTER
 ERIN DAVIS
 KATHY WOLFE MOORE
Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2079**.

On roll call, the vote was: Yeas 32; Nays 5; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Hilderbrand, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Lynn, Masterson, Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2280** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments as follows:

On page 1, by striking all in lines 8 through 34;

On page 2, by striking all in lines 1 through 4;

On page 6, in line 12, by striking all after "regulations"; by striking all in lines 13 and 14; in line 15, by striking all before the period;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all before "reporting";

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

VICKI SCHMIDT
 RICK BILLINGER
 LAURA KELLY
Conferees on part of Senate

JOHN BARKER
 RON HIGHLAND
 LOUIS RUIZ
Conferees on part of House

Senator Schmidt moved the Senate adopt the Conference Committee Report on **HB 2280**.

On roll call, the vote was: Yeas 32; Nays 5; Present and Passing 0; Absent or Not Voting 3.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

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Nays: Alley, Baumgardner, Hilderbrand, Pilcher-Cook, Tyson.
Absent or Not Voting: Lynn, Masterson, Suellentrop.
The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Carolyn McGinn in the chair.

On motion of Senator Denning, the Senate adjourned until 2:00 p.m., Sunday, June 4, 2017.

Journal of the Senate

EIGHTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Sunday, June 4, 2017, 2:00 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Senator Carolyn McGinn delivered the invocation:

During Pope Francis' incisive homily on Pentecost Sunday, Pope Francis spoke of two "recurrent temptations" in the 21st century. The first "seeks diversity without unity," while the second "seeks unity without diversity."

He explained that both are contrary to the Spirit of the Risen Jesus. He explained that the first temptation "seeks diversity without unity." This happens, he said, "when we want to separate, when we take sides and form parties, when we adopt rigid and airtight positions, when we become locked into our own ideas and ways of doing things, perhaps even thinking that we are better than others, or always in the right." It happens when "we choose the part over the whole, belonging to this or that group before belonging to the Church." It happens when "we become avid supporters for one side, rather than brothers and sisters in the one Spirit. We become Christians of the "right" or the "left," before being on the side of Jesus, unbending guardians of the past or the avant-garde of the future before being humble and grateful children of the Church. The result is diversity without unity."

He described the second "recurrent temptation" as that of "seeking unity without diversity." When this happens, "unity becomes uniformity, where everyone has to do everything together and in the same way, always thinking alike. Unity ends up being homogeneity and no longer freedom. But, as Saint Paul says, "where the Spirit of the Lord is, there is freedom."

He prayed, too, that the Spirit of the Risen Jesus "may give peace to the entire world, and heal the wounds of war and terrorism, which last night struck innocent civilians in London." He asked everyone to pray for the victims and the families of this latest terrorist attack.

Peace Prayer of Saint Francis

Lord, make me an instrument of Your peace:
where there is hatred, let me sow love;
where there is injury, pardon; where there is doubt, faith;
where there is despair, hope; where there is darkness, light;
where there is sadness, joy.
O divine Master, grant that I may not so much seek
to be consoled as to console,
to be understood as to understand,

to be loved as to love.
 For it is in giving that we receive,
 it is in pardoning that we are pardoned,
 and it is in dying that we are born to eternal life. Amen.

The Pledge of Allegiance was led by President Wagle.

CHANGE OF CONFERENCE

Pursuant to joint rule 3(f), the President appointed Senators Denning, McGinn, and Hensley to replace Senators Longbine, Billinger, and Rogers as conferees on **SB 19** following the session on June 3.

On motion of Senator Denning, the Senate recessed until 4:30.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2079**.

The House adopts the Conference Committee report to agree to disagree on **SB 19**, and has appointed Representatives Campbell, Aurand and Trimmer and second conferees on the part of the House.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 19**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 19** 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.

LARRY CAMPBELL
 CLAY AURAND
Conferees on part of House

JIM DENNING
 CAROLYN MCGINN
Conferees on part of Senate

On motion of Senator Denning the Senate adopted the conference committee report on **SB 19**, and requested a new conference be appointed.

The Vice President appointed Senators Denning, McGinn and Hensley as a second Conference Committee on the part of the Senate on **SB 19**.

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: **S Sub HB 2002**.

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 V. Schmidt in the chair.

On motion of Senator V. Schmidt the following report was adopted:

The committee report on **HB 2002** recommending **S Sub HB 2002** be adopted, be amended by motion of Senator Denning; on page 15, following line 29, by inserting:

"Sec. 47. (a) On July 1, 2018, the amount authorized to be expended from each appropriation from the state general fund during the fiscal year ending June 30, 2019, in 2017 Substitute for Senate Bill No. 189, for employer contributions for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4920 and 74-4939, and amendments thereto, in the aggregate, is hereby decreased by \$194,022,683.";

And by renumbering sections accordingly;

On page 23, in line 34, by striking "subsection" and inserting "subsections"; after "(17)" by inserting "and (19)";

On page 26, following line 41, by inserting:

"(19) The actuarial cost of the lapse or transfer of amounts pursuant to section 47, and amendments thereto, shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2020."

S Sub HB 2002 be further amended by motion of Senator Denning; on page 14, in line 29, after "2019" by inserting ": *And provided, however,* That any additional bonds issued pursuant to this proviso shall be subject to the limitations established on maximum annual debt service and principal amount by K.S.A. 68-2320, and amendments thereto";

On page 15, in line 9, after "2019" by inserting ": *And provided, however,* That any additional bonds issued pursuant to this proviso shall be subject to the limitations established on maximum annual debt service and principal amount by K.S.A. 68-2320, and amendments thereto";

On page 19, in line 5, by striking all before "limitation"; in line 6, by striking "annual debt service" and inserting "total amount of principal"; in line 9, by striking "are hereby suspended" and inserting "shall be an aggregate total of \$1,900,000,000".

S Sub HB 2002 be further amended by motion of Senator Olson; on page 10, following line 43, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1115, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas state school for the blind from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the Kansas state school for the blind to have a superintendent of the Kansas state school for the blind that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1002, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person.";

On page 11, following line 5, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1115, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas state school for the blind from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the Kansas state school for the blind to have a superintendent of the Kansas state school for the blind that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1002, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person.";

Also on page 11, following line 10, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1002, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the Kansas state school for the deaf to have a superintendent of the Kansas state school for the deaf that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1115, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person: *Provided further*, That in selecting a superintendent of the Kansas state school for the deaf, the state board of education shall select an individual who demonstrates professional fluency in American sign language and English.";

Also on page 11, following line 15, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1002, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the Kansas state school for the deaf to have a superintendent of the Kansas state school for the deaf that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1115, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person: *Provided further*; That in selecting a superintendent of the Kansas state school for the deaf, the state board of education shall select an individual who demonstrates professional fluency in American sign language and English."

S Sub HB 2002 be further amended by motion of Senator Schmidt; on page 5, following line 10, by inserting:

"Sec. 15.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2018 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2017 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.

Sec. 16.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) 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 during fiscal year 2019 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2017 or 2018 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.";

And by renumbering sections accordingly.

S Sub HB 2002 be further amended by motion of Senator Baumgardner; on page 3, following line 5, by inserting:

"Sec. 8.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) During fiscal year 2018, in addition to the other purposes for which expenditures may be made by the Kansas public employees retirement system from moneys appropriated for fiscal year 2018 from the Kansas public employees retirement fund (365-00-7002-7000) by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas public employees retirement system from moneys appropriated from the Kansas public employees retirement fund for fiscal year 2018 to provide a report to the legislature describing investment exposure across all asset classes in the Kansas public employees retirement system investment portfolio in any business entity that makes the type of consumer loans described in K.S.A. 16a-2-404, and amendments thereto: *Provided*, That such report shall include all investments currently held by the Kansas public employees retirement system as of November 30, 2017: *Provided further*, That such report shall be submitted to the legislature on or before January 31, 2018.

Sec. 9.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) During fiscal year 2019, in addition to the other purposes for which expenditures may be made by the Kansas public employees retirement system from moneys appropriated for fiscal year 2019 from the Kansas public employees retirement fund (365-00-7002-7000) by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas public employees retirement system from moneys appropriated from the Kansas public employees retirement fund for fiscal year 2019 to provide a report to the legislature describing investment exposure across all asset classes in the Kansas public employees retirement system investment portfolio in any business entity that makes the type of consumer loans described in K.S.A. 16a-2-404, and amendments thereto: *Provided*, That such report shall include all investments currently held by the Kansas public employees retirement system as of November 30, 2018: *Provided further*, That such report shall be submitted to the legislature on or before January 31, 2019.";

And by renumbering sections accordingly.

S Sub HB 2002 be further amended by motion of Senator Francisco; on page 11, following line 20, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2018, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2018 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 2018 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.";

Also on page 11, following line 25, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2019, as authorized by this or other appropriation act of the 2017 or 2018 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 2019 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 2019 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."

And **S Sub HB 2002** be passed as further amended.

A motion by Senator McGinn to amend **S Sub HB 2002** failed and the following amendment was rejected; on page 7, in line 40, after "(b)" by inserting "On July 1, 2017, of the \$629,296,318 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$15,159,739 is hereby lapsed: *Provided,* That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 85(a) of 2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 5% rate increase for providers of home and community based services for fiscal year 2018 from such account are hereby declared to be null and void and shall have no force and effect.

(c)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 9, following line 1, by inserting:

"(b) On July 1, 2018, of the \$651,044,716 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the LTC – medicaid assistance – NF account

(039-00-1000-0520), the sum of \$24,710,375 is hereby lapsed: *Provided*, That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 86(a) of 2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 3% rate increase for providers of home and community based services for fiscal year 2019 from such account are hereby declared to be null and void and shall have no force and effect.";

On page 15, following line 29, by inserting:

"Sec. 47. On the effective date of this act, the provisions of section 156 of 2017 Substitute for Senate Bill No. 189 are hereby declared to be null and void and shall have no force and effect.";

On page 26, in line 42, before "K.S.A" by inserting "Section 156 of 2017 Substitute for Senate Bill No. 189 and"; in line 43, by striking "is" and inserting "are";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 9, after the second "repealing" by inserting "section 156 of 2017 Substitute for Senate Bill No. 189".

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Denning, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wagle.

Nays: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Present and Passing: Baumgardner, Tyson.

EXPLANATION OF VOTE

Madam Chair: We vote yes on this amendment because it is nothing more than political games and an attempt to force us to vote no or give the public a false impression of what we stand for. We will not play the game and stand strong for the tax payers. It deceives the public into thinking we do not support funding for front-line service workers which is patently false. This vote represents nothing more than our desire to hold all NEW spending until there are dollars to pay for it. We know that those proposing this amendment yet voting no are counting on, and promoting, a massive new tax plan to draw billions of additional dollars from our constituents, but that has not come to pass. Yet, they push to add tens of millions in new spending in anticipation of such an event. Only government can budget to add massive spending increase before they even have their tax in hand. The timing is nothing less than irresponsible.—Ty MASTERSON

Senators Alley, Pilcher-Cook and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Masterson on **S Sub HB 2002**.

A motion by Senator McGinn to amend **S Sub HB 2002** failed and the following amendment was rejected; on page 7, in line 40, after "(b)" by inserting "On July 1, 2017, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of \$2,100,000 is hereby lapsed.

(c) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 9, following line 1, by inserting:

"(b) On July 1, 2018, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of \$2,100,000 is hereby lapsed."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 6; Nays 30; Present and Passing 4; Absent or Not Voting 0.

Yeas: Alley, Masterson, Pilcher-Cook, Pyle, Suellentrop, Wagle.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Present and Passing: Baumgardner, Hilderbrand, Lynn, Tyson.

EXPLANATION OF VOTE

Madam Chair: We will not be intimidated into voting for new spending, regardless of the reason, when we are in a deficit situation. We must first look at other spending and prioritize. In recent polls from both sides, the Docking Institute and the State Chamber, confirmed our constituents want us in large part (75% and 57% respectively) to include spending cuts as part of the deficit solution. What is being proposed is ADDING spending, inflating the deficit, and trying to convince the people a massive retroactive tax plan is somehow "necessary." This is absolutely false and the Republican Balanced Budget Solution released last week proves that. We simply ask those supporting a massive retroactive tax to be honest with the people and admit it is not a "have to" situation, they simply want to impose massive new taxes to make government budgeting decisions easier regardless of the fact it makes the decisions of our constituents at home more difficult.—TY MASTERSON

Senators Alley, Pilcher-Cook and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Masterson on **S Sub HB 2002**.

A motion by Senator Masterson to amend **S Sub HB 2002** failed and the following amendment was rejected; on page 2, following line 38, by inserting:

"Sec. 6.

ATTORNEY GENERAL

(a) On July 1, 2017, of the \$4,230,164 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 30(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the operating expenditures account (082-00-1000), the sum of \$50,000 is hereby lapsed.

Sec. 7.

ATTORNEY GENERAL

(a) On July 1, 2018, of the \$4,277,253 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 31(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the operating expenditures account (082-00-1000), the sum of \$50,000 is hereby lapsed.";

On page 3, by striking all in lines 1 through 5; following line 26, by inserting:

"MSA compliance compact fund\$1,292,144";

Also, on page 3, following line 42, by inserting:

"(c) On July 1, 2017, the \$449,737 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 64(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the MSA compliance compact account (565-00-1000-0305) is hereby lapsed.";

On page 4, following line 6, by inserting:

"MSA compliance compact fund\$1,331,477";

Also on page 4, following line 22, by inserting:

"(c) On July 1, 2018, the \$450,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 65(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the MSA compliance compact account (565-00-1000-0305) is hereby lapsed.";

On page 5, following line 10, by inserting:

"Sec. 16.

DEPARTMENT OF HEALTH AND

ENVIRONMENT – DIVISION OF PUBLIC HEALTH

(a) On July 1, 2017, of the \$8,070,690 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 79(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the aid to local units – primary health projects account (264-00-1000-0460), the sum of \$500,000 is hereby lapsed.

Sec. 17.

DEPARTMENT OF HEALTH AND

ENVIRONMENT – DIVISION OF PUBLIC HEALTH

(a) On July 1, 2018, of the \$8,070,690 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 80(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the aid to local units – primary health projects account (264-00-1000-0460), the sum of \$500,000 is hereby lapsed.";

On page 7, in line 28, by subtracting \$4,700,000 from the dollar amount and by adjusting the dollar amount in line 28 accordingly;

Also on page 7, by striking all in lines 29 through 37; in line 40, after "(b)" by inserting "On July 1, 2017, of the \$629,296,318 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$15,159,739 is hereby lapsed: *Provided*, That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 85(a) of

2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 5% rate increase for providers of home and community based services for fiscal year 2018 from such account are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2017, of the \$20,057,484 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community aid account (039-00-1000-3004), the sum of \$2,800,000 is hereby lapsed.

(d) On July 1, 2017, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of \$2,100,000 is hereby lapsed.

(e) On July 1, 2017, of the \$22,680,993 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community mental health centers supplemental funding account (039-00-1000-3001), the sum of \$1,300,000 is hereby lapsed.

(f) On July 1, 2017, of the \$29,552,599 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the Larned state hospital – operating expenditures account (410-00-1000-0103), the sum of \$2,500,000 is hereby lapsed.

(g) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240)\$2,500,000

Provided, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the rehabilitation and repair projects account of the state institutions building fund during fiscal year 2018, expenditures may be made from such account for salary costs of maintenance, rehabilitation and repair personnel.

(h)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 8, by striking all in lines 32 through 42;

On page 9, following line 1, by inserting:

"(b) On July 1, 2018, of the \$651,044,716 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$24,710,375 is hereby lapsed: *Provided*, That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 86(a) of 2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 3% rate increase for providers of home and community based services for fiscal year 2019 from such account are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2018, of the \$20,057,484 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community aid account (039-00-1000-3004), the sum of \$2,800,000 is hereby lapsed.

(d) On July 1, 2018, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of \$2,100,000 is hereby lapsed.

(e) On July 1, 2018, of the \$22,680,993 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community mental health centers supplemental funding account (039-00-1000-3001), the sum of \$1,300,000 is hereby lapsed.

(f) On July 1, 2018, of the \$29,978,239 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the Larned state hospital – operating expenditures account (410-00-1000-0103), the sum of \$2,500,000 is hereby lapsed.

(g) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240)\$2,500,000

Provided, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the rehabilitation and repair projects account of the state institutions building fund during fiscal year 2019, expenditures may be made from such account for salary costs of maintenance, rehabilitation and repair personnel.";

Also on page 9, by striking all in lines 13 and 14; by striking all in lines 32 through 43;

On page 10, by striking all in line 1; following line 1, by inserting the following:

"(c) On July 1, 2017, of the \$93,556,053 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 87(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the state operations (including official hospitality) account (629-00-1000-0013), the sum of \$70,564 is hereby lapsed.";

Also on page 10, by striking all in lines 7 and 8; following line 38, by inserting:

"(d) On July 1, 2018, of the \$93,868,847 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 88(a) of 2017 Substitute for Senate Bill No. 189, from the general fund in the state operations (including official hospitality) account (629-00-1000-0013), the sum of \$70,564 is hereby lapsed.

Sec. 27.

DEPARTMENT OF EDUCATION

(a) On July 1, 2017, of the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 91(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the incentive for technical education account (652-00-1000-0110), is hereby lapsed.

Sec. 28.

DEPARTMENT OF EDUCATION

(a) On July 1, 2018, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 92(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the incentive for technical education account (652-00-1000-0110), is hereby lapsed.

(b) On July 1, 2018, of the \$1,804,867,062 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 92(a) of Substitute for Senate Bill No. 189, from the state general fund in the general state aid account (652-00-1000-0820), the sum of \$38,000,000 is hereby lapsed.";

On page 11, by striking all in lines 16 through 25;

On page 12, by striking all in lines 37 through 43;

On page 13, by striking all in lines 1 through 26;

On page 15, following line 29, by inserting:

"Sec. 44. On the effective date of this act, the provisions of sections 163 and 164 of 2017 Substitute for Senate Bill No. 189, are hereby declared to be null and void and shall have no force and effect.

Sec. 45. On the effective date of this act, the provisions of section 156 of 2017 Substitute for Senate Bill No. 189, are hereby declared to be null and void and shall have no force and effect.";

On page 17, in line 15, by striking all after "year"; by striking all in line 16; in line 17, by striking all before the period and inserting "; and (2) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvement fund during the fiscal years ending June 30, 2018 and June 30, 2019";

On page 26, in line 42, before "K.S.A" by inserting "Section 156 of 2017 Substitute for Senate Bill No. 189, section 163 of 2017 Substitute for Senate Bill No. 189, and section 164 of 2017 Substitute for Senate Bill No. 189,"; in line 43, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after the second "repealing" by inserting "section 156 of 2017 Substitute for Senate Bill No. 189,"; in line 11, after the first comma by inserting "section 163 of 2017 Substitute for Senate Bill No. 189, and section 164 of 2017 Substitute for Senate Bill No. 189,".

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 12; Nays 27; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Fitzgerald, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Estes.

Motions offered by Senators McGinn and Tyson to amend **S Sub HB 2002** failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **S Sub HB 2002** was advanced to Final Action and roll call.

S Sub HB 2002, AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 12-1775a, 68-2320, 74-4914d and 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052 and repealing the existing sections; also repealing section 161 of 2017 Substitute for Senate Bill No. 189, section 162 of 2017 Substitute for Senate Bill No. 189, and K.S.A. 2016 Supp. 2-223, as amended by section 212 of 2017 Substitute for Senate Bill 189.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The bill passed, as amended.

On motion of Senator Denning, the Senate adjourned until 2:00 p.m., Monday, June 5, 2017.

Journal of the Senate

EIGHTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, June 5, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Senator Randall Hardy delivered the invocation:

Our gracious God, we come today with thanks and gratitude for Your presence, with thanks for this beautiful place we call home, and with thanks for Your guidance as we seek to serve our fellow citizens. We ask Your blessings on those in this chamber who have chosen to take up the difficult task of governing, and also on the members of the legislative staff who work diligently to complete the work of our Senate. Strengthen all of us and help us to show forth the fruits of Your spirit of love, joy, peace, and generosity as we go about our work. Grant us a spirit of compassion and cooperation. May the peace that passes all understanding guide our hearts and minds in the days to come. Amen

The Pledge of Allegiance was led by Vice President Longbine.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2407**, requests a conference and has appointed Representatives Sutton, Weber and Burroughs as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2409**, requests a conference and has appointed Representatives Sutton, Weber and Burroughs as 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 **HB 2407**.

The Vice President appointed Senators McGinn, Billinger and Kelly 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 2409**.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House not adopts the Conference Committee report on **SB 19**, requests a conference and appoints Representatives Campbell, Aurand and Trimmer as Third 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 **SB 19**.

The President appointed Senators Denning, McGinn and Hensley as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 19**.

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.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 19** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

- On page 1, by striking all in lines 5 through 36;
- By striking all on pages 2 through 14;
- On page 15, by striking lines 1 through 26; following line 26, 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, 2018, the following:

Operating expenditures (including official hospitality)	
(652-00-1000-0053)	\$12,586,611

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Special education services aid (652-00-1000-0700).....	\$435,980,455
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Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That expenditures shall not be made from the special education

services aid account for the provisions 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. 72-983, 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. 72-978, and amendments thereto.

State foundation aid (652-00-1000-0820)\$1,991,268,237
Provided, That any unencumbered balance in the block grants to USDs account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Supplemental state aid (652-00-1000-0840)\$480,920,922
Provided, That any unencumbered balance in the supplemental general stat aid account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Mentor teacher (652-00-1000-0440)\$800,000
 Professional development\$1,700,000
 Information technology education opportunities (652-00-1000-0600).....\$500,000
 Kansas reading success (652-00-1000-0070)\$2,100,000
 Discretionary grants (652-00-1000-0400)\$322,457

Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2018, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high: *And provided further*, 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: *And provided further*, That the discretionary grants awarded to after school programs shall require a \$1 for \$1 local match: *And provided further*, 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 – USDs\$261,569,312
 KPERS – employer contributions (652-00-1000-0100)\$19,707,072

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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.

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)\$4,771,500

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, 2017, is hereby reappropriated for fiscal year 2018: *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. 72-8187, and amendments thereto.

Governor's teaching excellence scholarships and awards (652-00-1000-0770)\$327,500

Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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. 72-1398, 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).

Incentive for technical education (652-00-1000-0110)\$50,000

Provided, That, on July 1, 2017, notwithstanding the provisions of K.S.A. 72-4489, and amendments thereto, or any other statute, the department of education shall grant an award in an amount equal to \$1,000 for each pupil graduating from a high school in a school district having obtained an industry-recognized credential either prior to graduation from high school or by December 31 immediately following graduation in an occupation that has been identified by the secretary of labor, in consultation with the state board of regents and the state board of education, as an occupation in highest need of additional skilled employees at the time the pupil entered the career technical education course or program in the school district: *Provided further*, That, if the amount of moneys appropriated for the above agency for fiscal year 2018 is less than the amount of moneys to be awarded to such school districts, the department of education shall prorate the available moneys to such school districts accordingly.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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. 72-6761, 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
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2018 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 (652-00-2728-2700)	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 II – federal fund (652-00-3539-3590)	No limit
Vocational education title II – 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: *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. 72-1398, 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 (652-00-3323-0530)No limit
- ESSA – student support academic enrichment – federal fundNo limit
- Language assistance state grants – federal fund (652-00-3522-3820)No limit
- Service clearing fund (652-00-2869-2800)No limit
- Helping schools license plate program fund (652-00-2606-2600)No limit
- General state aid transportation weighting – state highway fund (652-00-2222-2222)No limit

Provided, That on July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, the director of accounts and reports shall transfer \$24,150,000 from the state highway fund of the department of transportation to the general state aid transportation weighting – state highway fund of the department of education.

- Special education transportation weighting – state highway fund (652-00-2223-2223)No limit

Provided, That on July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, the director of accounts and reports shall transfer \$2,500,000 from the state highway fund of the department of transportation to the special education transportation weighting – state highway fund of the department of education

Career and technical education transportation – state highway fund (652-00-2139-2139)No limit

Provided, That on July 1, 2017, the director of accounts and reports shall transfer \$650,000 from the state highway fund of the department of transportation to the career and technical education transportation – state highway fund of the department of education.

Local school district contribution program checkoff fundNo 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, 2018, 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 2018 in order to assess the cost effectiveness of the position of educational technology coordinator.

School district extraordinary declining enrollment fund\$2,593,452

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2018, the following:

Parent education program (652-00-2000-2510)\$7,237,635

Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018:

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 65% 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, 2017, is hereby reappropriated for fiscal year 2018.

CIF grants (652-00-2000-2408)\$15,782,638

Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Quality initiative infants and toddlers (652-00-2000-2420)\$430,466

Provided, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Early childhood block grant autism diagnosis\$43,047

Provided, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(d) On July 1, 2017, 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 Kansas department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2018, and June 30, 2018, 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, 2017, and quarterly thereafter, the director of accounts and reports shall transfer \$56,250 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, 2017, 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, 2018, the following:

 KPERS – school employer contribution (652-00-1700-1700)\$39,883,000

(i) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$89,323 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 2018.

(j) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2018, the following:

 Children's cabinet administration\$248,206

Provided, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2019, the following:

 Operating expenditures (including official hospitality)
 (652-00-1000-0053)\$12,685,361

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Special education services aid (652-00-1000-0700)\$447,980,455

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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. 72-983, 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. 72-978, and amendments thereto.

State foundation aid (652-00-1000-0820)\$2,046,657,545

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Supplemental state aid (652-00-1000-0840)\$486,109,284

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Mentor teacher (652-00-1000-0440)\$800,000

Professional development\$1,700,000

Information technology education opportunities (652-00-1000-0600)\$500,000

Kansas reading success (652-00-1000-0070)\$2,100,000

Discretionary grants (652-00-1000-0400)\$322,457

Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2019, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high: *And provided further*, 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: *And provided further*, That the discretionary grants awarded to after school programs shall require a \$1 for \$1 local match: *And provided further*, 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 – USDs (652-00-1000-0100)\$26,885,049

KPERS – employer contributions (652-00-1000-0100)\$259,742,946

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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.

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)	\$4,771,500

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, 2018, is hereby reappropriated for fiscal year 2019: *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. 72-8187, and amendments thereto.

Governor's teaching excellence scholarships and awards (652-00-1000-0770)	\$327,500
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Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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. 72-1398, 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).

Incentive for technical education (652-00-1000-0110)	\$50,000
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Provided, That, on July 1, 2018, notwithstanding the provisions of K.S.A. 72-4489, and amendments thereto, or any other statute, the department of education shall grant an award in an amount equal to \$1,000 for each pupil graduating from a high school in a school district having obtained an industry-recognized credential either prior to graduation from high school or by December 31 immediately following graduation in an occupation that has been identified by the secretary of labor, in consultation with the state board of regents and the state board of education, as an occupation in highest need of additional skilled employees at the time the pupil entered the career technical education course or program in the school district: *Provided further*, That, if the amount of moneys appropriated for the above agency for fiscal year 2019 is less than the amount of moneys to be awarded to such school districts, the department of education shall prorate the available moneys to such school districts accordingly.

(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 and transfers to other state agencies shall not exceed the following:

State school district finance fund (652-00-7393-7000)	No limit
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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. 72-6761, and amendments thereto.

- Mineral production education fund (652-00-7669-7669)No limit
- School district capital outlay state aid fundNo limit
- Conversion of materials and equipment fund (652-00-2420-2020)No limit
- State safety fund (652-00-2538-2030)No limit
- 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 (652-00-2728-2700)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 II – federal fund (652-00-3539-3590)No limit
- Vocational education title II – 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. 72-1398, 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 (652-00-3323-0530)No limit
- ESSA – student support academic enrichment – federal fundNo limit
- Language assistance state grants – federal fund (652-00-3522-3820)No limit
- Service clearing fund (652-00-2869-2800)No limit
- Helping schools license plate program fund (652-00-2606-2600)No limit
- General state aid transportation weighting – state highway fund (652-00-2222-2222)No limit

Provided, That on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, the director of accounts and reports shall transfer \$24,150,000 from the state highway fund of the department of transportation to the general state aid transportation weighting – state highway fund of the department of education.

- Special education transportation weighting – state highway fund (652-00-2223-2223)No limit

Provided, That on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, the director of accounts and reports shall transfer \$2,500,000 from the state highway

fund of the department of transportation to the special education transportation weighting – state highway fund of the department of education.

Career and technical education transportation – state highway fund

(652-00-2139-2139)No limit

Provided, That on July 1, 2018, the director of accounts and reports shall transfer \$650,000 from the state highway fund of the department of transportation to the career and technical education transportation – state highway fund of the department of education.

Local school district contribution program checkoff fundNo 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, 2019, 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 2019 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, 2019, the following:

Parent education program (652-00-2000-2510)\$7,237,635

Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019:

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 65% 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, 2018, is hereby reappropriated for fiscal year 2019.

CIF grants (652-00-2000-2408)\$15,782,786

Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Quality initiative infants and toddlers (652-00-2000-2420)\$430,466

Provided, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Early childhood block grant autism diagnosis\$43,047

Provided, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(d) On July 1, 2018, 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 Kansas department for children and families to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2019, and June 30, 2019, 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, 2018, and quarterly thereafter, the director of accounts and reports shall transfer \$56,250 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, 2018, 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, 2019, the following:

 KPERS – school employer contribution (652-00-1700-1700)\$40,084,000

(i) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$89,323 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 2019.

(j) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2019, the following:

 Children's cabinet administration\$248,571

Provided, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

New Sec. 3. Sections 3 through 48, and amendments thereto, shall be known and may be cited as the Kansas school equity and enhancement act.

New Sec. 4. As used in the Kansas school equity and enhancement act, section 3 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; declining enrollment weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to

the enrollment of school districts pursuant to section 30, 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 section 23(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2017-2018, \$4,006;
- (2) for school year 2018-2019, \$4,128; and
- (3) for school year 2019-2020, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to section 22, 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 section 31, 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 section 6, and amendments thereto.

(l) "Declining enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to section 32, and amendments thereto, on the basis of costs attributable to the declining enrollment of such school districts.

(m) "Enrollment" means:

- (1) The number of students regularly enrolled in kindergarten and grades one

through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2016 Supp. 72-99a01 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. 2016 Supp. 72-99a01 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 section 11, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under subsection (m)(2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) (A) For school year 2017-2018, the enrollment determined under paragraph (1), (2) or (3), except if the school district offers kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(B) For school year 2018-2019 and each school year thereafter, the enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(n) "February 20" has its usual meaning, except that in any year in which February

20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(o) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(p) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-7105a, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(q) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(r) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to section 23(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(s) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to section 21(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(t) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-8187, and amendments thereto.

(u) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in section 40, 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. 72-1046a(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. 72-6757, 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. 72-979, 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. 72-983, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(v) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to section 21(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(w) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in section 40, and amendments thereto.

(x) "Preceding school year" means the school year immediately before the current school year.

(y) "Preschool-aged at-risk student" means an at-risk student who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(z) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-962, and amendments thereto.

(aa) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-8187, and amendments thereto.

(bb) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-1106, and amendments thereto.

(cc) "School facilities weighting" means an added component assigned to the enrollment of school districts pursuant to section 28, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(dd) "School year" means the 12-month period ending June 30.

(ee) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ff) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to section 29, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(gg) "State board" means the state board of education.

(hh) "State foundation aid" means the amount of aid distributed to school district as determined by the state board pursuant to section 6, and amendments thereto.

(ii) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in

accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

- (i) A student in attendance full-time; and
- (ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as $\frac{1}{2}$ student:

- (i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

- (ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

- (a) For school years 2017-2018 and 2018-2019, one student;
- (b) for school year 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
- (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.

(ii) This subparagraph (H) shall not apply to:

- (a) A student whose parent or legal guardian is an employee of the school district

where such student is enrolled; or

(b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in subsection (ii)(2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 2016 Supp. 72-3715, and amendments thereto.

(jj) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

(kk) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to section 20, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

(ll) "Virtual school" means the same as such term is defined in K.S.A. 2016 Supp. 72-3712, and amendments thereto.

New Sec. 5. (a) The state school district finance fund, established by K.S.A. 1991 Supp. 72-7081, prior to its repeal, is hereby continued in existence and shall consist of: (1) All moneys credited to such fund under K.S.A. 2016 Supp. 72-6463 through 72-6481, prior to their expiration; and (2) all amounts transferred to such fund under sections 8, 14, 15, 30, 31 and 32, and amendments thereto.

(b) The state school district finance fund shall be used for the purpose of school district finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(c) Amounts in the state school district finance fund shall be allocated and distributed to school districts as a portion of state foundation aid provided for under this act.

New Sec. 6. In each school year, the state board shall determine the amount of state foundation aid for each school district for such school year. The state board shall determine the amount of the school district's local foundation aid for the school year. If the amount of the school district's local foundation aid is greater than the amount of total foundation aid determined for the school district for the school year, the school district shall not receive state foundation aid in any amount. If the amount of the school district's local foundation aid is less than the amount of total foundation aid determined for the school district for the school year, the state board shall subtract the amount of the school district's local foundation aid from the amount of total foundation aid. The remainder is the amount of state foundation aid the school district shall receive for the school year.

New Sec. 7. (a) The distribution of state foundation aid under this act shall be made in accordance with appropriation acts each year as provided in this section.

(b) (1) In the months of July through May of each school year, the state board shall

determine the amount of state foundation aid that will be required by each school district to maintain operations in each such month. In making such determination, the state board shall take into consideration the school district's access to local foundation aid and the obligations of the general fund that must be satisfied during the month. The amount determined by the state board under this provision is the amount of state foundation aid that will be distributed to the school district in the months of July through May.

(2) In the month of June of each school year, payment shall be made of the full amount of the state foundation aid determined for the school year less the sum of the monthly payments made in the months of July through May pursuant to subsection (b) (1).

(c) Payments of state foundation aid shall be distributed to school districts once each month on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due as state foundation aid to each school district in each of the months of July through June. Such certification, and the amount of state foundation aid payable from the state general fund, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the school district treasurer of each school district, pursuant to vouchers approved by the state board. Upon receipt of such warrant, each school district treasurer shall deposit the amount of state foundation aid in the general fund of the school district, except that an amount equal to the amount of federal impact aid not included in the local foundation aid of a school district may be disposed of as provided in section 38(a), and amendments thereto.

(d) If any amount of state foundation aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of state foundation aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

New Sec. 8. In the event any school district is paid more than it is entitled to receive under any distribution made under this act or under any statute repealed by this act, the state board shall notify the school district of the amount of such overpayment, and such school district shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund. If any school district fails to remit, the state board shall deduct the excess amounts paid from future payments becoming due to the school district. In the event any school district is paid less than the amount it is to receive under any distribution made under this act, the state board shall pay the additional amount due at any time within the school year in which the underpayment was made or within 60 days after the end of such school year.

New Sec. 9. On or before October 10 of each school year, the clerk or superintendent of each school district shall certify under oath to the state board a report showing the total enrollment of the school district by grades maintained in the schools of the school district and such other reports as the state board may require. Each such

report shall show postsecondary education enrollment, career technical education enrollment, special education enrollment, bilingual education enrollment, at-risk student enrollment and virtual school enrollment in such detail and form as is specified by the state board. Upon receipt of such reports, the state board shall examine the reports and if the state board finds any errors in any such report, the state board shall consult with the school district officer furnishing the report and make any necessary corrections in the report. On or before August 25 of each year, each such clerk or superintendent shall also certify to the state board a copy of the budget adopted by the school district.

New Sec. 10. (a) If the state board determines that the enrollment of a school district in the preceding school year decreased from the enrollment in the second preceding school year and that a disaster contributed to such decrease, the enrollment of such school district in the second school year following the school year in which the enrollment of the school district was first affected by the disaster shall be the greater of:

(1) The enrollment of preschool-aged at-risk students, if any, plus the average of the enrollment for the current and the preceding three school years, excluding the enrollment of preschool-aged at-risk students in each such year; or

(2) the enrollment of the school district, as defined in section 4, and amendments thereto.

(b) As used in this section, "disaster" means the occurrence of widespread or severe damage, injury or loss of life or property resulting from flood, earthquake, tornado, wind, storm, drought, blight or infestation.

New Sec. 11. (a) Each school year, the state board shall:

(1) Determine the number of students enrolled in each school district on September 20; and

(2) determine the number of military students enrolled in each school district on February 20, who were not enrolled on the preceding September 20.

(b) If the number obtained under subsection (a)(2) is 25 or more, or such number is at least 1% of the number determined under subsection (a)(1), an amount equal to the number obtained under subsection (a)(2) shall be added to the number determined under subsection (a)(1). The resulting sum is the enrollment of the school district.

(c) The state board shall recompute the adjusted enrollment of the school district and the general fund budget of the school district based on the enrollment as determined under this section.

(d) School districts desiring to determine enrollment under this section shall submit any documentation or information required by the state board.

(e) As used in this section, the term "military student" means a person who is a dependent of a full-time active duty member of the military service or a dependent of a member of any of the United States military reserve forces who has been ordered to active duty under 10 U.S.C. §§ 12301, 12302 or 12304, or ordered to full-time active duty for a period of more than 30 consecutive days under 32 U.S.C. §§ 502(f) or 512 for the purposes of mobilizing for war, international peacekeeping missions, national emergency or homeland defense activities.

New Sec. 12. Whenever a new school district has been established or the boundaries of a school district have been changed, the state board shall make appropriate revisions concerning the affected school districts as may be necessary for the purposes of this act to reflect such establishment of a school district or changes in boundaries. Such revisions shall be based on the most reliable data obtainable from the

superintendent of the school district and the county clerk.

New Sec. 13. (a) (1) For the purposes of this act, the total foundation aid for any school district formed by consolidation in accordance with the statutory provisions contained in article 87 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, shall be computed by the state board by determining the amount of the total foundation aid each of the former school districts that comprise the consolidated school district received in the school year preceding the date the consolidation was completed, and calculating the sum of such amounts. The sum is the total foundation aid of the consolidated school district for the school year in which the consolidation was completed.

(2) If any of the former school districts had an enrollment of less than 150 students in the school year preceding the consolidation, the total foundation aid of the newly consolidated school district for the two school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the school district would receive under this act.

(3) If all of the former school districts had an enrollment of at least 150 students, but any had less than 200 students in the school year preceding the consolidation, the total foundation aid of the newly consolidated school district for the three school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the school district would receive under this act.

(4) If all of the former school districts had an enrollment of 200 or more students in the school year preceding the consolidation, the total foundation aid of the newly consolidated school district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the school district would receive under this act.

(5) If the consolidation involved the consolidation of three or more school districts, regardless of the number of students enrolled in the school districts, the total foundation aid of the newly consolidated school district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the school district would receive under this act.

(b) (1) The provisions of this subsection shall apply to school districts that have been enlarged by the attachment of territory pursuant to the procedure established in article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

(2) For the purposes of this act, the total foundation aid for any school district to which this subsection applies shall be computed by the state board of education as follows: (A) Determine the amount of the total foundation aid each of the former school districts that comprise the enlarged school district received in the school year preceding the date the attachment was completed; and (B) add the amounts determined under subparagraph (A). The sum is the total foundation aid of the enlarged school district for the school year in which the attachment is completed.

(3) If any of the former school districts had an enrollment of less than 150 students in the school year preceding the attachment, the total foundation aid of the enlarged school district for the two school years following the school year in which the

attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the school district would receive under this act.

(4) If all of the former school districts had an enrollment of at least 150 students, but any had less than 200 students in the school year preceding the attachment, the total foundation aid of the enlarged school district for the three school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the school district would receive under this act.

(5) If all of the former school districts had an enrollment of 200 or more students in the school year preceding the attachment, the total foundation aid of the enlarged school district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the school district would receive under this act.

(6) If three or more school districts, regardless of the number of students enrolled in the school districts, are disorganized and attached to a single school district, the total foundation aid of the enlarged school district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the school district would receive under this act.

(7) Except as specifically provided by this paragraph for the allocation of total foundation aid among school districts, the provisions of paragraphs (1) through (6) shall be applicable to school districts to which this paragraph applies. If a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and the territory of such school district is attached to more than one school district, the total foundation aid for each school district to which any territory from the disorganized school district is attached, shall be computed by the state board as follows: (A) Determine the amount of total foundation aid received by the former school district in the school year preceding the date the disorganization and attachment was completed; (B) determine the amount of total foundation aid received by the enlarged school district in the school year preceding the date the disorganization and attachment was completed; (C) determine the assessed valuation of the former school district in the school year preceding the date the disorganization and attachment was completed; (D) determine the assessed valuation of the territory attached to each enlarged school district; (E) allocate the amount of the total foundation aid received by the former school district in the school year preceding the date the disorganization and attachment was completed to each of the enlarged school districts in the same proportion the assessed valuation of the territory attached to each school district bears to the assessed valuation of the former school district; and (F) add the amounts determined under subparagraphs (B) and (E). The sum is the total foundation aid of the enlarged school district for the school year in which the attachment is completed.

New Sec. 14. (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 and 2018-2019.

(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.

New Sec. 15. (a) In each school year, the board of education of a school district may adopt, by resolution, a local option budget that does not exceed the state prescribed percentage.

(b) Subject to the limitations of subsection (a), in each school year, the board of education of a school district may adopt, by resolution, a local option budget in an amount that does not exceed:

(1) The amount that the board was authorized to adopt under any resolution adopted pursuant to K.S.A. 2016 Supp. 72-6471, prior to its expiration; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (i).

The adoption of a resolution pursuant to this section shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(c) If the board of a school district desires to increase its local option budget authority above the amount authorized under subsection (b), the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the school district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____, _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed ____% of the amount of total foundation aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5%

of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified school district No. _____, _____ County, Kansas, on the _____ day of _____, _____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled appropriately. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(d) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any school district that is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any school district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such school district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(e) The board of any school district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to section 19, and amendments thereto, is certified to the county clerk under any existing authorization.

(f) The board of any school district authorized to adopt a local option budget prior to July 1, 2017, under a resolution that authorized the adoption of such budget in accordance with the provisions of K.S.A. 2016 Supp. 72-6471, prior to its expiration, may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section. Any such school district shall operate under the provisions of this section after the period of time specified in any previously adopted resolution has expired.

(g) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions that are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(h) (1) There is hereby established in each school district that adopts a local option budget a supplemental general fund, which shall consist of all amounts deposited

therein or credited thereto according to law.

(2) Subject to the limitations imposed under subsection (h)(3), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any categorical fund of the school district. Amounts in the supplemental general fund attributable to any percentage over 25% of total foundation aid determined for the current school year may be transferred to the capital improvements fund of the school district and the capital outlay fund of the school district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings that is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in subsection (h)(4)(B), any unexpended moneys remaining in the supplemental general fund of a school district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the school district received supplemental state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the school district for the school year and multiply the total amount of the unexpended moneys remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the school district or remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(i) Each year, the state board shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

(j) The provisions of this section shall be subject to the provisions of section 16, and amendments thereto.

(k) As used in this section:

(1) "Authorized to adopt a local option budget" means that a school district has adopted a resolution pursuant to subsection (c).

(2) "State prescribed percentage" means 33% of the total foundation aid of the school district in the current school year.

(3) "Total foundation aid" means the same as such term is defined in section 4, and amendments thereto.

New Sec. 16. (a) (1) Subject to the provisions of subsection (e), the provisions of this subsection shall apply in any school year in which the amount of BASE aid is \$4,490 or less.

(2) The board of education of a school district may adopt a local option budget that does not exceed the local option budget calculated as if the BASE aid was \$4,490, or that does not exceed the local option budget as calculated pursuant to section 15, and amendments thereto, whichever is greater.

(b) The board of education of a school district may adopt a local option budget that does not exceed the local option budget calculated as if the school district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or that does not

exceed the local option budget as calculated pursuant to section 15, and amendments thereto, whichever is greater.

(c) The board of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of section 15, and amendments thereto, conflict with this section, this section shall control.

(e) For school year 2019-2020, and each school year thereafter, the specified dollar amount used in subsection (a) for purposes of determining the local option budget of a school district shall be the specified dollar amount used 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.

New Sec. 17. (a) In each school year, each school district that has adopted a local option budget is eligible to receive supplemental state aid. Except as provided by section 18, and amendments thereto, supplemental state aid shall be determined by the state board as provided in subsection (b).

(b) The state board shall:

(1) (A) For school year 2017-2018, determine the amount of the assessed valuation per student in the preceding school year of each school district; and

(B) for school year 2018-2019 and each school year thereafter, determine the average assessed valuation per student of each school district by adding the assessed valuation per student for each of the three immediately preceding school years and dividing the resulting sum by three;

(2) rank the school districts from low to high on the basis of the amounts of assessed valuation per student determined under subsection (b)(1);

(3) identify the amount of the assessed valuation per student located at the 81.2 percentile of the amounts ranked under subsection (b)(2);

(4) divide the assessed valuation per student of the school district as determined under subsection (b)(1) by the amount identified under subsection (b)(3); and

(5) (A) if the quotient obtained under subsection (b)(4) equals or exceeds one, the school district shall not receive supplemental state aid; or

(B) if the quotient obtained under subsection (b)(4) is less than one, subtract the quotient obtained under subsection (b)(4) from one, and multiply the difference by the amount of the local option budget of the school district for the immediately preceding school year. The resulting product is the amount of supplemental state aid the school district is to receive for the school year.

(c) Payments of supplemental state aid shall be distributed to school districts on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due each school district, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the supplemental general fund of the school district to be used for the purposes of such fund.

(d) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated as supplemental state aid shall be deemed to be state moneys for educational and support services for school districts.

New Sec. 18. (a) (1) For the purposes of determining the amount of supplemental state aid, the state board shall determine the ranking of each of the former school districts of which the school district is composed as required by section 17(b)(2), and amendments thereto, for the school year prior to the effectuation of the consolidation or attachment.

(2) For the school year in which the consolidation or attachment is effectuated and the next succeeding two school years, the ranking of the school district for the purposes of section 17(b)(2), and amendments thereto, shall be the ranking of the school district receiving the highest amount of supplemental state aid determined under subsection (a) (1).

(b) The provisions of this section shall apply to school districts that have consolidated or disorganized on and after July 1, 2004.

(c) As used in this section, "school district" means:

(1) Any school district formed by consolidation in accordance with article 87 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto; or

(2) any school district formed by disorganization and attachment in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, if all the territory which comprised a disorganized school district is attached to a single school district.

New Sec. 19. (a) In each school year, the board of each school district that has adopted a local option budget may levy an ad valorem tax on the taxable tangible property of the school district for the purposes of:

(1) Financing that portion of the school district's local option budget that is not financed from any other source provided by law;

(2) 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; and

(3) funding transfers to the capital improvement fund of the school district and the capital outlay fund of the school district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25% of the total foundation aid determined for the current school year.

(b) The proceeds from the tax levied by a school district under authority of this section, except the proceeds of such tax levied for the purpose of 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, shall be deposited in the supplemental general fund of the school district.

(c) No school district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

New Sec. 20. (a) The transportation weighting of each school district shall be determined by the state board as follows:

(1) Determine the total expenditures of the school district during the preceding school year from all funds for transporting students of public and nonpublic schools on regular school routes;

(2) determine the sum of: (A) The number of students who were included in the enrollment of the school district in the preceding school year who resided less than $2\frac{1}{2}$ miles by the usually traveled road from the school building such students attended and

for whom transportation was made available by the school district; and (B) the number of nonresident students who were included in the enrollment of the school district for the preceding school year and for whom transportation was made available by the school district;

(3) determine the number of students who were included in the enrollment of the district in the preceding school year who resided $2\frac{1}{2}$ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district;

(4) multiply the number of students determined under subsection (a)(3) by 2.8;

(5) divide the amount determined under subsection (a)(2) by the product obtained under subsection (a)(4);

(6) add one to the quotient obtained under subsection (a)(5);

(7) multiply the sum obtained under subsection (a)(6) by the amount determined under subsection (a)(3);

(8) divide the amount determined under subsection (a)(1) by the product obtained under subsection (a)(7). The resulting quotient is the per-student cost of transportation;

(9) on a density-cost graph, plot the per-student cost of transportation for each school district;

(10) construct a curve of best fit for the points so plotted;

(11) locate the index of density for the school district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-student cost of transportation of the school district;

(12) divide the formula per-student cost of transportation of the school district by the BASE aid; and

(13) multiply the quotient obtained under subsection (a)(12) by the number of students who are included in the enrollment of the school district, are residing $2\frac{1}{2}$ miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district.

(b) (1) For school years 2017-2018 through 2020-2021, the transportation weighting of the school district shall be either the product determined under subsection (a)(13), or that portion of such school district's general state aid for school year 2016-2017 that was attributable to the school district's transportation weighting, whichever is greater.

(2) For school year 2021-2022, and each school year thereafter, the transportation weighting of the school district shall be the product determined under subsection (a)(13).

(c) For the purpose of providing accurate and reliable data on student transportation, the state board is authorized to adopt rules and regulations prescribing procedures that school districts shall follow in reporting pertinent information, including uniform reporting of expenditures for transportation.

(d) As used in this section:

(1) "Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.

(2) "Density-cost graph" means a drawing having: (A) A horizontal or base line

divided into equal intervals of density, beginning with zero on the left; and (B) a scale for per-student cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-student cost intervals.

(3) "Index of density" means the number of students who are included in the enrollment of a school district in the current school year, are residing the designated distance or more by the usually traveled road from the school building they attend, and for whom transportation is being made available on regular school routes by the school district, divided by the number of square miles of territory in the school district.

New Sec. 21. (a) The low enrollment weighting of each school district shall be determined by the state board as follows:

(1) For school districts with an enrollment of fewer than 100 students, multiply the enrollment of the school district by 1.014331. The resulting product is the low enrollment weighting of the school district;

(2) for school districts with an enrollment of at least 100 students, but fewer than 300 students:

- (A) Subtract 100 from the enrollment of the school district;
- (B) multiply the difference obtained under subsection (a)(2)(A) by 9.655;
- (C) subtract the product obtained under subsection (a)(2)(B) from 7,337;
- (D) divide the difference obtained under subsection (a)(2)(C) by 3,642.4;
- (E) subtract one from the quotient obtained under subsection (a)(2)(D); and
- (F) multiply the difference obtained under subsection (a)(2)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district;

(3) for school districts with an enrollment of at least 300 students, but fewer than 1,622 students:

- (A) Subtract 300 from the enrollment of the school district;
- (B) multiply the difference obtained under subsection (a)(3)(A) by 1.2375;
- (C) subtract the product obtained under subsection (a)(3)(B) from 5,406;
- (D) divide the difference obtained under subsection (a)(3)(C) by 3,642.4;
- (E) subtract one from the quotient obtained under subsection (c)(D); and
- (F) multiply the difference obtained under subsection (a)(3)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district.

(b) For school districts with an enrollment of at least 1,622 students, multiply the enrollment of the school district by 0.03504. The resulting product is the high enrollment weighting of the school district.

New Sec. 22. The bilingual weighting of each school district shall be determined by the state board as follows:

(a) Determine the full-time equivalent enrollment in approved programs of bilingual education during the preceding school year and multiply such enrollment by 0.395;

(b) determine the number of students enrolled in approved programs of bilingual education during the preceding school year and multiply such enrollment by 0.185; and

(c) the bilingual weighting shall be either the amount determined under subsection (a) or (b), whichever is greater.

New Sec. 23. (a) The at-risk student weighting of each school district shall be

determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) for a school district with an enrollment that consists of 10% or more at-risk students, multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district; or

(3) for a school district with an enrollment that consists of less than 10% at-risk students, multiply the number of students equal to 10% of such school district's enrollment by 0.484. The resulting sum is the at-risk student weighting of the school district. A school district whose at-risk student weighting is determined pursuant to this paragraph shall submit a report to the state board in such form and manner as required by the state board that identifies those students enrolled in such school district who are receiving at-risk program services and the criteria each such student satisfies in order to receive at-risk program services. The state board shall adopt rules and regulations that establish the criteria for eligibility for at-risk program services. The provisions of this paragraph shall only apply to those school districts that offer instruction in kindergarten and grades one through 12.

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;

(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or

(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) Commencing in school year 2018-2019, school districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best

practices developed by the state board pursuant to section 25(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2019.

New Sec. 24. (a) If a student submits an application for free meals under the national school lunch act on or before the date on which the enrollment of the school district is calculated and it is later determined by the school district or the department of education that the student should not have been eligible for free meals, the school district or the department shall notify the state board of such determination. Except as provided in subsection (b), upon receipt of such notice, the state board shall recompute the adjusted enrollment of the school district and the general fund budget of the school district based on the adjusted enrollment of the school district excluding the at-risk student weighting and high-density at-risk student weighting, if any, assigned to such student.

(b) If a student becomes ineligible to receive free meals under the national school lunch act for failure to submit, in a timely manner, any documentation necessary for verification of eligibility as required by the national school lunch act, but subsequently submits such documentation, such student shall not be excluded from the calculation of the adjusted enrollment of the school district if the school district forwards a copy of such documentation to the state board no later than January 14 of the school year.

New Sec. 25. (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) 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. The state board shall review and update such best practices 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. Such report shall include the number of students identified as at-risk 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.

New Sec. 26. (a) There is hereby established in every school district a preschool-aged 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 preschool-aged at-risk assistance or programs shall be paid from the preschool-aged at-risk education fund.

(b) Any balance remaining in the preschool-aged at-risk education fund at the end of the budget year shall be carried forward into the preschool-aged 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 preschool-aged 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) Each year the board of each school district shall prepare and submit to the state board a report on the preschool-aged at-risk student assistance or programs provided by the school district. Such report shall include the number of students 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.

New Sec. 27. (a) The career technical education weighting of each school district shall be determined by the state board by multiplying the full-time equivalent enrollment in approved career technical education programs during the preceding school year by 0.5. The resulting product is the career technical education weighting of the school district.

(b) The provisions of this section shall expire on July 1, 2019.

New Sec. 28. (a) For each school year in which the school facilities weighting may be assigned to the enrollment of the school district, such weighting of such school district shall be determined by the state board as follows:

(1) Determine the number of students included in the enrollment of the school district who are attending a new school facility;

(2) multiply the number of students determined under subsection (a)(1) by 0.25. The resulting product is the school facilities weighting of the school district.

(b) The school facilities weighting may be assigned to the enrollment of a school district only if:

(1) The school district adopted a local option budget for school year 2014-2015 in an amount equal to at least 25% of the amount of the state financial aid determined for the school district in such school year pursuant to K.S.A. 72-6433, prior to its repeal;

(2) the contractual bond obligations incurred by the school district were approved by the electors of the school district at an election held on or before July 1, 2015; and

(3) (A) the school district commences operation of a new school facility and the construction of such facility was financed primarily with such contractual bond obligations; or

(B) the school district commences operation of a new school facility and the construction of such facility was financed primarily with federal funds and such facility is located on a military reservation.

(c) The school facilities weighting may be assigned to the enrollment of the school district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

New Sec. 29. The special education and related services weighting of each school district shall be determined by the state board as follows:

(a) Add the amount of payments received by the school district under the provisions of K.S.A. 72-979, and amendments thereto, to the amount of any grants received by the school district under the provisions of K.S.A. 72-983, and amendments thereto; and

(b) divide the sum obtained under subsection (a) by the BASE aid. The resulting quotient is the special education and related services weighting of the school district.

New Sec. 30. (a) (1) The board of education of a school district to which the provisions of this section apply may levy an ad valorem tax on the taxable tangible property of the school district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to the enrollment of the school district. The state board of tax appeals may authorize the school district to make a levy that will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose. If the school district is not eligible, or will be ineligible, for ancillary school facilities weighting in any one or more years during the two-year period for which the school district is authorized to levy a tax under this subsection, the state board of tax appeals may authorize the school district to make a levy, in such year or years of ineligibility, that will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state board of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this subsection.

(3) The state board of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to

the evidence required in support of a school district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(b) The board of education of a school district that has levied an ad valorem tax on the taxable tangible property of the school district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed six years in an amount not to exceed the amount computed by the state board as provided in this subsection if the board of the school district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the school district. The tax authorized under this subsection may be levied at a rate that will produce an amount that is not greater than the amount computed by the state board as provided in this subsection. In computing such amount, the state board shall:

(1) Determine the amount produced by the tax levied by the school district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of state foundation aid directly attributable to ancillary school facilities weighting that was received by the school district in the same year;

(2) compute 90% of the amount of the sum obtained under subsection (b)(1), which computed amount is the amount the school district may levy in the first year of the six-year period for which the school district may levy a tax under authority of this subsection;

(3) compute 75% of the amount of the sum obtained under subsection (b)(1), which computed amount is the amount the school district may levy in the second year of the six-year period for which the school district may levy a tax under authority of this subsection;

(4) compute 60% of the amount of the sum obtained under subsection (b)(1), which computed amount is the amount the school district may levy in the third year of the six-year period for which the school district may levy a tax under authority of this subsection;

(5) compute 45% of the amount of the sum obtained under subsection (b)(1), which computed amount is the amount the school district may levy in the fourth year of the six-year period for which the school district may levy a tax under authority of this subsection;

(6) compute 30% of the amount of the sum obtained under subsection (b)(1), which computed amount is the amount the school district may levy in the fifth year of the six-year period for which the school district may levy a tax under authority of this subsection; and

(7) compute 15% of the amount of the sum obtained under subsection (b)(1), which computed amount is the amount the school district may levy in the sixth year of the six-year period for which the school district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the school district under authority of subsection (a), the state board shall include any moneys apportioned to the ancillary school facilities fund of the school district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(c) The proceeds from any tax levied by a school district under authority 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 state school district finance fund.

(d) The ancillary school facilities weighting may be assigned to the enrollment of a school district only if the school district has levied a tax under the authority of subsection (a), and remitted the proceeds from such tax to the state treasurer. The ancillary school facilities weighting of each school district shall be determined in each school year in which such weighting may be assigned to the enrollment of the school district as follows:

(1) Add the amount to be produced by a tax levy as authorized under subsection (a) and certified to the state board by the state board of tax appeals to the amount computed under subsection (b) to be produced by a tax levy, if any; and

(2) divide the sum obtained under subsection (d)(1) by the BASE aid. The resulting quotient is the ancillary school facilities weighting of the school district.

(e) The provisions of this section apply to any school district that:

(1) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year;

(2) adopted a local option budget; and

(3) is experiencing extraordinary enrollment growth as determined by the state board.

New Sec. 31. (a) Subject to subsection (b), the board of education of a school district may levy a tax on the taxable tangible property within the school district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost-of-living weighting to the enrollment of the school district.

(b) The state board shall determine whether a school district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under subsection (b)(1) by 1.25;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) subtract the amount determined under subsection (b)(2) from the amount determined under subsection (b)(3). If the amount determined for the school district is a positive number and the school district has adopted a local option budget in an amount equal to at least 31% of the total foundation aid for the school district, the school district qualifies for assignment of cost-of-living weighting and may levy a tax on the taxable tangible property of the school district for the purpose of financing the costs that are attributable directly to assignment of the cost-of-living weighting to the enrollment of the school district.

(c) (1) No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a newspaper having general circulation in the school district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. _____,

RESOLUTION _____ County, Kansas.

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs attributable directly to the assignment of cost-of-living weighting to the enrollment of the school district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, (year)_____.

Clerk of the board of education.

(2) All of the blanks in the resolution shall be filled appropriately. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision is in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast is not in favor of the resolution, the resolution shall be deemed of no force and effect and no like resolution shall be adopted by the board within the nine months following such election.

(d) There is hereby established in every school district a cost-of-living fund, which shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost-of-living fund. The proceeds from the tax levied by a school district credited to the cost-of-living fund 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.

(e) In determining the amount produced by the tax levied by the school district under the authority of this section, the state board shall include any moneys apportioned to the cost-of-living fund of the school district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(f) The cost-of-living weighting of a school district shall be determined by the state board in each school year in which such weighting may be assigned to the enrollment of

the school district as follows:

(1) Divide the amount determined under subsection (b)(4) by the amount determined under subsection (b)(2);

(2) multiply the quotient determined under subsection (f)(1) by 0.095;

(3) multiply the school district's total foundation aid for the current school year, excluding the amount determined under this provision, by the lesser of the product determined under subsection (f)(2) or 0.05; and

(4) divide the product determined under subsection (f)(3) by the BASE aid for the current school year. The quotient is the cost-of-living weighting of the school district.

New Sec. 32. (a) (1) (A) The board of education of a school district may levy an ad valorem tax on the taxable tangible property of the school district each year for a period of time not to exceed two years, unless authority to make such levy is renewed by the state board of tax appeals, in an amount not to exceed the amount authorized by the state board of tax appeals under this section for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to the enrollment of the school district. The state board of tax appeals may authorize the school district to make a levy that will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the school district. Such amount shall not exceed 5% of the general fund budget of the school district in the school year in which the school district applies to the state board of tax appeals for authority to make a levy pursuant to this subsection. The state board of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(B) For school year 2017-2018, as an alternative to the authority provided in subsection (a)(1)(A), if a school district was authorized to make a levy pursuant to K.S.A. 72-6451, prior to its repeal, in school year 2006-2007, such school district shall remain authorized to make a levy at a rate necessary to generate revenue equal to $\frac{1}{2}$ of the amount that was generated in school year 2007-2008.

(2) The state board of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school districts shall include in cases before the state board of tax appeals pursuant to this section. The state board shall provide to the state board of tax appeals such school data and information requested by the state board of tax appeals and any other information deemed necessary by the state board.

(b) There is hereby established in every school district a declining enrollment fund, which shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a school district under authority of this section shall be credited to the declining enrollment fund of the school district. The proceeds from the tax levied by a school district credited to the declining enrollment fund 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.

(c) In determining the amount produced by the tax levied by the school district under authority of this section, the state board shall include any moneys apportioned to the declining enrollment fund of the school district from taxes levied under the

provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(d) The declining enrollment weighting of a school district shall be determined by the state board in each school year in which such weighting may be assigned to the enrollment of the school district. The state board shall divide the amount certified under subsection (a)(2) by the BASE aid. The resulting quotient is the declining enrollment weighting of the school district.

(e) As used in this section:

(1) "Declining enrollment" means an enrollment that has declined in amount from that of the second preceding school year.

(2) "School district" means a school district that: (A) Has a declining enrollment; and (B) has adopted a local foundation budget in an amount that equals at least 31% of the total foundation aid for the school district at the time the school district applies to the state board of tax appeals for authority to make a levy pursuant to this section.

(f) The provisions of this section shall expire on July 1, 2018.

New Sec. 33. For the purpose of determining the general fund budget of a school district, weightings shall not be assigned to a student enrolled in and attending KAMS. Moneys in the general fund that are attributable to a student enrolled in and attending KAMS shall not be included in the computation of the local option budget of the school district.

New Sec. 34. (a) There is hereby established in every school district a career and postsecondary education fund, which shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a school district for any course or program authorized and approved under the provisions of article 44 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, except for courses and programs conducted in an area vocational school, shall be credited to the career and postsecondary education fund. All moneys received by the school district from tuition, fees or charges or from any other source for career technical education courses or programs, except for courses and programs conducted in an area vocational school, shall be credited to the career and postsecondary education fund. All moneys received by the school district from tuition, fees or charges or from any other source for postsecondary education courses or programs shall be credited to the career and postsecondary education fund.

(b) Expenditures made by a school district that are directly attributable to the following shall be paid from the career and postsecondary education fund:

- (1) Career technical education;
- (2) postsecondary education courses; and
- (3) courses provided through distance-learning technology.

(c) Any balance remaining in the career and postsecondary education fund at the end of the budget year shall be carried forward into the career and postsecondary 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 career and postsecondary education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district.

New Sec. 35. There is hereby established in every school district a driver training fund, which shall consist of all moneys deposited therein or transferred thereto

according to law. All moneys received by the school district from distributions made from the state safety fund and the motorcycle safety fund and from tuition, fees or charges for driver training courses shall be credited to the driver training fund. The expenses of a school district directly attributable to driver training shall be paid from the driver training fund.

New Sec. 36. There is hereby established in every school district a food service fund, which shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by the school district for food service and from charges for food service shall be credited to the food service fund. The expenses of a school district attributable to food service shall be paid from the food service fund.

New Sec. 37. There is hereby established in every school district a contingency reserve fund, which shall consist of all moneys deposited therein or transferred thereto according to law. The fund shall be maintained for payment of expenses of a school district attributable to financial contingencies as determined by the board.

New Sec. 38. (a) Except as otherwise provided in this section, any revenues of a school district, not required by law to be deposited in or credited to a specific fund, shall be deposited in or credited to any categorical fund of the school district or to the capital outlay fund of the school district.

(b) At the discretion of the board of education of a school district, revenues earned from the investment of an activity fund of the school district in accordance with the provisions of K.S.A. 12-1675, and amendments thereto, may be deposited in or credited to such activity fund.

(c) (1) At the discretion of the board and subject to subsection (c)(2), any revenues specified in subsections (a) and (b) may be deposited in or credited to the general fund of the school district in any school year for which the allotment system authorized under K.S.A. 75-3722, and amendments thereto, has been inaugurated and applied to appropriations made for state foundation aid, or in any school year for which any portion of the appropriations made for state foundation aid are lapsed by an act of the legislature.

(2) In no event may the amount of revenues deposited in or credited to the general fund of the school district under authority of subsection (c)(1) exceed an amount equal to the amount of the reduction in state foundation aid paid to the school district determined by the state board to be the result of application of the allotment system to the appropriations made for state foundation aid or of the lapse of any portion thereof by an act of the legislature.

(d) At the discretion of the board, revenues received by the school district from the federal government as the school district's share of the proceeds derived from sale by the federal government of its rights to oil, gas and other minerals located beneath the surface of lands within the school district's boundaries may be deposited in the bond and interest fund of the school district and used for the purposes of such fund. If at any time all indebtedness and obligations of such fund have been fully paid and canceled, the revenues authorized by this subsection to be deposited in such fund shall be disposed of as provided in subsection (a).

(e) To the extent that K.S.A. 72-1623, 72-8804 and 79-2958, and amendments thereto, conflict with this section, this section shall control.

New Sec. 39. (a) Any lawful transfer of moneys from the general fund of a school district to any other fund shall be an operating expense in the year the transfer is made.

The board of education of a school district may transfer moneys from the general fund to any categorical fund of the school district in any school year.

(b) The board may transfer moneys from the general fund to the contingency reserve fund of the school district, subject to any limitations imposed upon the amount authorized to be maintained in the contingency reserve fund.

(c) The board may transfer moneys from the general fund to the:

- (1) Capital outlay fund;
- (2) special reserve fund;
- (3) special liability expense fund; and
- (4) textbook and student materials revolving fund.

(d) In each school year, the board may transfer to its general fund from any fund to which transfers from the general fund are authorized an amount not to exceed an amount equal to the amount transferred from the general fund to any such fund in the same school year.

New Sec. 40. Expenditures of a school district for the following purposes are not operating expenses:

(a) Payments to another school district in an adjustment of rights as provided in K.S.A. 72-6776, and amendments thereto, or upon transfer of territory as provided in K.S.A. 72-7105, 72-7106 or 72-7107, and amendments thereto, if paid from any fund other than the general fund;

(b) payments to another school district under K.S.A. 72-7105a, and amendments thereto;

(c) the maintenance of student activities that are reimbursed;

(d) expenditures from any lawfully authorized fund of a school district other than its general fund;

(e) the provision of educational services for students residing at the Flint Hills job corps center, students housed at a psychiatric residential treatment facility or students confined in a juvenile detention facility for which the school district is reimbursed by a grant of state moneys as provided in K.S.A. 72-8187, and amendments thereto; and

(f) programs financed, in part or in whole, by federal funds that may be expended although not included in the budget of the school district, excluding funds received under the provisions of title I of public law 874, but not including in such exclusion amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program, to the extent of the federal funds to be provided.

New Sec. 41. If in any school year a school district expends an amount for operating expenses that exceeds its general fund budget, the state board shall determine the excess and deduct the same from amounts of state foundation aid payable to the school district during the next succeeding school year.

New Sec. 42. (a) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto, and is measurable. On or before January 15, 2018, and each January 15 thereafter, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and

social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum.

(c) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(d) Each school year, on such date as specified by the state board, each school district shall submit the Kansas education system accreditation report to the state board in such form and manner as prescribed by the state board.

(e) Whenever the state board determines that a school district has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide curriculum based on state standards and courses required by state law, the state board shall so notify the school district. Such notice shall specify the accreditation requirements that the school district has failed to meet and the curriculum that it has failed to provide. Upon receipt of such notice, the board of education of such school district is encouraged to reallocate the resources of the school district to remedy all deficiencies identified by the state board.

(f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

New Sec. 43. (a) On or before January 15 of each year, the state department of education shall prepare and submit reports on school district funding for each school district to the governor and the legislature.

(b) Each report shall contain the information described in subsection (c) for the school district in terms of actual dollar amounts for the second and immediately preceding school years and budgeted dollar amounts for the current school year.

(c) Each report shall contain the following information for the school district:

- (1) Full-time equivalent enrollment;
- (2) demographic information, including, but not limited to, gender, race, ethnicity, students who are economically disadvantaged, migrants, English language learners and students with disabilities;

(3) total general and supplemental general funds, including a showing of funding provided by federal sources, state sources and local sources, and total funds per student;

(4) total capital outlay funds, including a showing of such funding provided by federal sources, state sources and local sources, and capital outlay funds per student;

(5) total bond and interest funds, including a showing of such funding provided by federal sources, state sources and local sources, and bond and interest funds per student;

(6) total of all other funds not described in paragraphs (3), (4) and (5), excluding fund transfers, including a showing of such funding provided by federal sources, state sources and local sources, and total funds per student;

(7) total funds per student of all funds described in paragraphs (3) through (6);

(8) general fund moneys attributable to the following:

(A) BASE aid;

(B) high enrollment weighting;

(C) low enrollment weighting;

(D) school facilities weighting;

(E) transportation weighting;

(F) at-risk student weighting;

(G) preschool-aged at-risk student weighting;

(H) high-density at-risk student weighting;

(I) career technical education weighting;

(J) special education and related services weighting;

(K) bilingual weighting;

(L) ancillary school facilities weighting;

(M) cost-of-living weighting;

(N) declining enrollment weighting; and

(O) virtual school state aid;

(9) total expenditures on the following:

(A) At-risk education programs and services;

(B) preschool-aged at-risk education programs and services;

(C) bilingual education programs and services;

(D) career and technical education programs and services;

(E) special education and related services; and

(F) virtual school programs and services; and

(10) total expenditures from the special retirement contributions fund.

(d) The state board shall provide uniform guidelines for what constitutes total expenditures for the programs and services listed under subsection (c)(9).

New Sec. 44. (a) On or before July 1, 2021, the legislature shall:

(1) Consider the information reviewed pursuant to subsection (b), and determine if any provisions of this act are not reasonably calculated to provide adequate educational opportunities to every K-12 public education student in Kansas.

(2) (A) Review the school year 2020-2021 BASE aid amount and evaluate whether such BASE aid amount is reasonably calculated to have all students meet or exceed the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.

(B) Such evaluation shall be based on a successful school model that identifies successful school districts based on the percentage of at-risk students in such districts in relation to the following outcomes:

(i) The percentage of students at grade level on state math and English/language

arts assessments;

(ii) the percentage of students that are college and career ready on state math and English/language arts assessments;

(iii) the average composite ACT score; and

(iv) the four-year graduation rate.

(C) Such evaluation shall identify school districts that exceed expected outcomes and shall also identify school districts that have an average scaled difference on the outcome measures greater than or equal to one standard deviation from the average scaled difference of all districts. Those school districts that are identified as successful school districts in relation to other similarly situated districts may be used to evaluate whether the BASE aid amount is reasonably calculated to ensure that students will continue to meet or exceed the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.

(b) (1) On or before July 1, 2018, the house and senate standing committees on education shall review the low enrollment weighting and the high enrollment weighting, as such terms are defined in section 4, and amendments thereto, and alternatives to such weightings, including, but not limited to, a sparsity weighting. Such review shall be to ensure that the weightings are reasonably calculated to have students meet or exceed the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.

(2) On or before July 1, 2019, the house and senate standing committees on education shall review the following:

(A) Reports submitted to the legislature pursuant to sections 42, 43 and 49, and amendments thereto; and

(B) the legislative post audit reports conducted pursuant to section 45, and amendments thereto, that were completed prior to July 1, 2019.

(3) On or before July 1, 2020, the house and senate standing committees on education shall review virtual school programs and the virtual school state aid calculation as described in K.S.A. 2016 Supp. 72-3715, and amendments thereto.

(4) On or before July 1, 2021, the house and senate standing committees on education shall review the at-risk student weighting, as such term is defined in section 4, and amendments thereto, to ensure that such weighting is reasonably calculated to have students meet or exceed the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.

(5) On or before July 1, 2023, and on or before July 1, 2026, the house and senate standing committees on education shall review the successful school model described in this subsection (a) to review whether it is an effective model in determining successful schools and to ensure the BASE aid amount is reasonably calculated to meet or exceed the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.

(6) On or before July 1, 2024, the house and senate standing committees on education shall review the bilingual student weighting, as such term is defined in section 4, and amendments thereto, to ensure that such weighting is reasonably calculated to have students meet or exceed the educational goal set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.

New Sec. 45. The legislative post audit committee shall direct the legislative division of post audit to conduct the following performance audits in the fiscal year specified:

(a) A performance audit of transportation services funding. The audit should include a comparison of the amount of transportation services funding school districts receive to the cost of providing transportation services. This performance audit shall be conducted during fiscal year 2018, and the final audit report shall be submitted to the legislature on or before January 15, 2018.

(b) A performance audit of at-risk education funding. The audit should evaluate the method of counting students for at-risk education funding, the level of the at-risk student weighting and high-density at-risk student weighting under the act and how school districts are expending moneys provided for at-risk education. This performance audit shall be conducted during fiscal year 2020, and the final audit report shall be submitted to the legislature on or before January 15, 2020.

(c) A performance audit of bilingual education funding. The audit should evaluate the method of counting students for bilingual education funding, the level of the bilingual weighting under the act and how school districts are expending moneys provided for bilingual education. This performance audit shall be conducted during fiscal year 2023, and the final audit report shall be submitted to the legislature on or before January 15, 2023.

(d) A study of statewide virtual school programs administered in other states. The study shall include, but not be limited to, the following:

(1) The aggregate cost incurred by each state administering a virtual school program, and the cost incurred by individual school districts or schools within each state;

(2) the resources necessary for the implementation of each virtual school program, including, but not limited to, personnel, equipment, software and facility usage;

(3) the scope of each virtual school program; and

(4) the effectiveness of each virtual school program with respect to student performance and outcomes.

The audit shall be conducted during fiscal year 2024, and the final audit report shall be submitted to the legislature on or before January 15, 2024.

(e) (1) A performance audit to provide a reasonable estimate of the cost of providing educational opportunities for every public school student in Kansas to achieve the performance outcome standards adopted by the state board of education. This performance audit shall be conducted three times as follows:

(A) During fiscal year 2019, and the final report submitted to the legislature on or before January 15, 2019;

(B) during fiscal year 2022, and the final report submitted to the legislature on or before January 15, 2022; and

(C) during fiscal year 2025, and the final report submitted to the legislature on or before January 15, 2025.

(2) Each performance audit required under this subsection shall:

(A) Include reasonable estimates of the costs of providing specialized education services as required by law, including, but not limited to, special education and related services, bilingual education and at-risk programs; and

(B) account for other factors which may contribute to variations in costs incurred by school districts, including, but not limited to, total district enrollment and geographic location within the state.

(3) In conducting each performance audit required under this subsection:

(A) Any examination of historical data and expenditures shall correct any recognized inadequacy of such data or expenditure through a statistically valid method of extrapolation; and

(B) subject to the limitations of the division of legislative post audit budget and appropriations therefor, the legislative post auditor may enter into contracts with consultants as the post auditor deems necessary.

(f) A performance audit to identify best practices in successful schools. The audit should include a comparison of the educational methods and other practices of demographically similar school districts that achieve significantly different student outcomes based on performance outcome standards adopted by the state board of education. This performance audit shall be conducted during fiscal year 2021, and the final audit report shall be submitted to the legislature on or before January 15, 2021. The audit shall be conducted a second time during fiscal year 2026, and the final audit report shall be submitted to the legislature on or before January 15, 2026.

New Sec. 46. The state board may adopt rules and regulations for the administration of this act, including the classification of expenditures of school districts to ensure uniform reporting of operating expenses.

New Sec. 47. The provisions of the Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, shall not be severable. If any provision of the Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, is held to be invalid or unconstitutional by court order, all provisions of the Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, shall be null and void.

New Sec. 48. The Kansas school equity and enhancement act, sections 3 through 48, and amendments thereto, shall expire on July 1, 2027.

New Sec. 49. (a) The state department of education shall conduct a study of the cost of career technical education programs offered by school districts, including, but not limited to, the following:

- (1) The career technical education programs offered by school districts;
- (2) the costs associated with offering such programs, including salaries and wages, materials, equipment and facilities; and
- (3) the coordination between school districts, community colleges and technical colleges in offering such programs.

(b) On or before January 15, 2018, the state department of education shall prepare a report on its findings and shall make recommendations on amendments to the Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, for the financing of career technical education programs using a tiered technical education model or other funding model. The report shall be submitted to the governor and the legislature.

(c) The provisions of this section shall expire on July 1, 2018.

New Sec. 50. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all moneys transferred thereto under the provisions of subsection (d).

(b) Each school district that levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this section.

(c) The state board shall:

(1) Determine the amount of the assessed valuation per student of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the assessed valuation per student of a school district for the purposes of this subsection;

(2) determine the median assessed valuation per student of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median assessed valuation per student of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the assessed valuation per student of the school district with the highest assessed valuation per student of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the assessed valuation per student of the school district with the lowest assessed valuation per student of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median assessed valuation per student shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median assessed valuation per student by one percentage point for each \$1,000 interval above the amount of the median assessed valuation per student, and increasing the state aid computation percentage assigned to the amount of the median assessed valuation per student by one percentage point for each \$1,000 interval below the amount of the median assessed valuation per student. The state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the assessed valuation per student of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto; and

(6) multiply the amount computed under subsection (c)(5), but not to exceed eight mills, by the applicable state aid percentage factor. The resulting product is the amount of payment the school district is to receive from the school district capital outlay state aid fund in the school year.

(d) The state board shall certify to the director of accounts and reports the amount of school district capital outlay state aid determined under the provisions of subsection (c), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(e) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district, and the director of accounts and reports shall draw a warrant on the state treasury payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

New Sec. 51. (a) Each school district may submit an application to the state board

of education for approval of extraordinary declining enrollment state aid. Such application shall be submitted in such form and manner as prescribed by the state board, and shall include a description of the extraordinary decline in enrollment of the school district that is the basis for the application.

(b) The state board shall review all submitted applications and approve or deny any such application based on whether the applicant school district has demonstrated extraordinary declining enrollment since school year 2014-2015. As part of its review of an application, the state board may conduct a hearing and provide the applicant school district an opportunity to present testimony as to such school district's extraordinary declining enrollment. In reviewing the application, the state board shall consider the decrease in enrollment of the school district since school year 2014-2015.

(c) If the state board approves an application, it shall determine the amount of extraordinary declining enrollment state aid to be disbursed to the applicant school district from the school district extraordinary declining enrollment fund. In approving any application for extraordinary declining enrollment state aid, the state board may approve an amount of extraordinary declining enrollment state aid that is less than the amount the school district requested in the application. If the state board denies an application, then, within 15 days of such denial, the state board shall send written notice of such denial to the superintendent of such school district. All administrative proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Any action by the state board pursuant to this section shall be subject to review in accordance with the Kansas judicial review act.

(d) There is hereby established in the state treasury the school district extraordinary declining enrollment fund, which shall be administered by the state department of education. All expenditures from the school district extraordinary declining enrollment fund shall be used for the disbursement of extraordinary declining enrollment state aid as approved by the state board under this section. All expenditures from the school district extraordinary declining enrollment 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 board of education, or the designee of the state board of education.

(e) The provisions of this section shall expire on July 1, 2018.

New Sec. 52. No ad valorem tax exemption for real or personal property granted after the effective date of this act by the board of tax appeals pursuant to the provisions of either: (a) Section 13 of article 11 of the constitution of the state of Kansas; or (b) K.S.A. 12-1740 et seq. and 79-201a *Second* or *Twenty-Fourth*, and amendments thereto, for any property purchased with the proceeds of revenue bonds shall be deemed to exempt any such property from the ad valorem property tax levied by a school district pursuant to the provisions of K.S.A. 72-8801, and amendments thereto. The provisions of this section shall not apply to exemptions granted by the board of tax appeals when the associated resolution of intent, letter of intent or inducement resolution to issue revenue bonds and grant property tax abatement was approved by any governing body of any city or the board of commissioners of any county or the public hearing required by K.S.A. 79-251, and amendments thereto, was conducted prior to May 1, 2017.

Sec. 53. K.S.A. 2016 Supp. 10-1116a is hereby amended to read as follows: 10-1116a. The limitations on expenditures imposed under the cash-basis law shall not

apply to:

(a) Expenditures in excess of current revenues made for municipally owned and operated utilities out of the fund of such utilities caused by, or resulting from the meeting of, extraordinary emergencies including drought emergencies. In such cases expenditures in excess of current revenues may be made by declaring an extraordinary emergency by resolution adopted by the governing body and such resolution shall be published at least once in a newspaper of general circulation in such city. Thereupon, such governing body may issue interest bearing no-fund warrants on such utility fund in an amount, including outstanding previously issued no-fund warrants, not to exceed 25% of the revenues from sales of service of such utility for the preceding year. Such warrants shall be redeemed within three years from date of issuance and shall bear interest at a rate of not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto. Upon the declaration of a drought emergency, the governing body may issue such warrants for water system improvement purposes in an amount not to exceed 50% of the revenue received from the sale of water for the preceding year. Such warrants shall be redeemed within five years from the date of issuance and shall bear interest at a rate not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto.

(b) Expenditures in any month by school districts which are in excess of current revenues if the deficit or shortage in revenues is caused by, or a result of, the payment of state aid after the date prescribed for the payment of state aid during such month under K.S.A. 2016 Supp. 72-6466 section 7, and amendments thereto.

Sec. 54. K.S.A. 2016 Supp. 12-1677 is hereby amended to read as follows: 12-1677. (a) Except as otherwise required by state or federal law, all moneys earned and collected from investments by counties, area vocational-technical schools and quasi-municipal corporations authorized in this act shall be credited to the general fund of such county, area vocational-technical school or quasi-municipal corporation by the treasurer thereof, and all moneys earned and collected from investments by school districts authorized in this act shall be credited ~~to the general fund of the school district~~ in accordance with the provisions of section 38, and amendments thereto.

(b) The treasurer of each county, school district, area vocational-technical school or quasi-municipal corporation shall maintain a complete record of all investments authorized in this act and shall make a quarterly written report of such record to the governing body of such county, school district, area vocational-technical school or quasi-municipal corporation.

Sec. 55. K.S.A. 2016 Supp. 12-1742 is hereby amended to read as follows: 12-1742. Such agreements shall provide for a rental sufficient to repay the principal of and the interest on the revenue bonds. Such agreements also may provide that the lessee shall reimburse the city or county for its actual costs of administering and supervising the issue. The city or county may charge an origination fee. Such fee shall not be deemed a payment in lieu of taxes hereunder. Such fee shall be used exclusively for local economic development activities but shall not be used to pay any administrative costs of the city or county. Except for the origination fee, all other fees paid in excess of such actual costs and any other obligation assumed under the contract shall be deemed payments in lieu of taxes and distributed as provided herein. If the agreement provides for a payment in lieu of taxes to the city or county, such payment, immediately upon receipt of same, shall be transmitted by the city or county to the county treasurer of the

county in which the city is located. Payments in lieu of taxes received pursuant to agreements entered into after the effective date of this act shall include all fees or charges paid for services normally and customarily paid from the proceeds of general property tax levies, except for extraordinary services provided for the facility or an extraordinary level of services required by a facility. Payments in lieu of taxes may be required only upon property for which an exemption from ad valorem property taxes has been granted by the state board of tax appeals. The county treasurer shall apportion such payment among the taxing subdivisions of this state in the territory in which the facility is located. Any payment in lieu of taxes shall be divided by the county treasurer among such taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision bears to the aggregate of such levies of all the taxing subdivisions among which the division is to be made. For purposes of this section, the total mill levy shall not include the mill levy imposed pursuant to K.S.A. 72-8801, and amendments thereto. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them. Based upon the assessed valuation which such facility would have if it were upon the tax rolls of the county, the county clerk shall compute the total of the property taxes which would be levied upon such facility by all taxing subdivisions within which the facility is located if such property were taxable.

Sec. 56. K.S.A. 2016 Supp. 12-1770a is hereby amended to read as follows: 12-1770a. As used in this act, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the content:

(a) "Auto race track facility" means: (1) An auto race track facility and facilities directly related and necessary to the operation of an auto race track facility, including, but not limited to, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding (2) hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.

(b) "Base year assessed valuation" means the assessed valuation of all real property within the boundaries of a redevelopment district on the date the redevelopment district was established.

(c) "Blighted area" means an area which:

(1) Because of the presence of a majority of the following factors, substantially impairs or arrests the development and growth of the municipality or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use:

- (A) A substantial number of deteriorated or deteriorating structures;
- (B) predominance of defective or inadequate street layout;
- (C) unsanitary or unsafe conditions;
- (D) deterioration of site improvements;
- (E) tax or special assessment delinquency exceeding the fair market value of the real property;
- (F) defective or unusual conditions of title including, but not limited to, cloudy or defective titles, multiple or unknown ownership interests to the property;
- (G) improper subdivision or obsolete platting or land uses;
- (H) the existence of conditions which endanger life or property by fire or other causes; or

(1) conditions which create economic obsolescence;
(2) has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation; feasibility study and remediation or other similar state or federal action;

(3) a majority of the property is a 100-year floodplain area; or

(4) previously was found by resolution of the governing body to be a slum or a blighted area under K.S.A. 17-4742 et seq., and amendments thereto.

(d) "Conservation area" means any improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:

(1) Dilapidation, obsolescence or deterioration of the structures;

(2) illegal use of individual structures;

(3) the presence of structures below minimum code standards;

(4) building abandonment;

(5) excessive vacancies;

(6) overcrowding of structures and community facilities; or

(7) inadequate utilities and infrastructure.

(e) "De minimus" means an amount less than 15% of the land area within a redevelopment district.

(f) "Developer" means any person, firm, corporation, partnership or limited liability company, other than a city and other than an agency, political subdivision or instrumentality of the state or a county when relating to a bioscience development district.

(g) "Eligible area" means a blighted area, conservation area, enterprise zone, intermodal transportation area, major tourism area or a major commercial entertainment and tourism area, bioscience development area or a building or buildings which are 65 years of age or older and any contiguous vacant or condemned lots.

(h) "Enterprise zone" means an area within a city that was designated as an enterprise zone prior to July 1, 1992, pursuant to K.S.A. 12-17,107 through 12-17,113, and amendments thereto, prior to its repeal and the conservation, development or redevelopment of the area is necessary to promote the general and economic welfare of such city.

(i) "Environmental increment" means the increment determined pursuant to K.S.A. 12-1771a(b), and amendments thereto.

(j) "Environmentally contaminated area" means an area of land having contaminated groundwater or soil which is deemed environmentally contaminated by the department of health and environment or the United States environmental protection agency.

(k)(1) "Feasibility study" means:

(A) A study which shows whether a redevelopment project's or bioscience development project's benefits and tax increment revenue and other available revenues under K.S.A. 12-1774(a)(1), and amendments thereto, are expected to exceed or be sufficient to pay for the redevelopment or bioscience development project costs; and

(B) the effect, if any, the redevelopment project costs or bioscience development project will have on any outstanding special obligation bonds payable from the

revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto.

(2) For a redevelopment project or bioscience project financed by bonds payable from revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto, the feasibility study must also include:

(A) A statement of how the taxes obtained from the project will contribute significantly to the economic development of the jurisdiction in which the project is located;

(B) a statement concerning whether a portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the redevelopment project. If a portion of local sales and use taxes is so committed, the applicant shall describe the following:

(i) The percentage of sales and use taxes collected that are so committed; and
 (ii) the date or dates on which the local sales and use taxes pledged to other uses can be pledged for repayment of special obligation bonds;

(C) an anticipated principal and interest payment schedule on the bonds;

(D) following approval of the redevelopment plan, the feasibility study shall be supplemented to include a copy of the minutes of the governing body meeting or meetings of any city whose bonding authority will be utilized in the project, evidencing that a redevelopment plan has been created, discussed, and adopted by the city in a regularly scheduled open public meeting; and

(E) the failure to include all information enumerated in this subsection in the feasibility study for a redevelopment or bioscience project shall not affect the validity of bonds issued pursuant to this act.

(l) "Major tourism area" means an area for which the secretary has made a finding the capital improvements costing not less than \$100,000,000 will be built in the state to construct an auto race track facility.

(m) "Real property taxes" means all taxes levied on an ad valorem basis upon land and improvements thereon, except that ~~when relating to a bioscience development district, as defined in this section;~~ "real property taxes" does not include:

(1) Property taxes levied for schools, by school districts pursuant to K.S.A. 2016 Supp. 72-6470 section 14, and amendments thereto, when relating to a bioscience development district; and

(2) property taxes levied by school districts pursuant to K.S.A. 72-8801, and amendments thereto, when relating to a bioscience development district or a redevelopment district established on or after July 1, 2017.

(n) "Redevelopment project area" means an area designated by a city within a redevelopment district or, if the redevelopment district is established for an intermodal transportation area, an area designated by a city within or outside of the redevelopment district.

(o) "Redevelopment project costs" means: (1) Those costs necessary to implement a redevelopment project plan or a bioscience development project plan, including costs incurred for:

(A) Acquisition of property within the redevelopment project area;
 (B) payment of relocation assistance pursuant to a relocation assistance plan as provided in K.S.A. 12-1777, and amendments thereto;
 (C) site preparation including utility relocations;
 (D) sanitary and storm sewers and lift stations;

- (E) drainage conduits, channels, levees and river walk canal facilities;
 - (F) street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
 - (G) street light fixtures, connection and facilities;
 - (H) underground gas, water, heating and electrical services and connections located within the public right-of-way;
 - (I) sidewalks and pedestrian underpasses or overpasses;
 - (J) drives and driveway approaches located within the public right-of-way;
 - (K) water mains and extensions;
 - (L) plazas and arcades;
 - (M) major multi-sport athletic complex;
 - (N) museum facility;
 - (O) parking facilities including multilevel parking facilities;
 - (P) landscaping and plantings, fountains, shelters, benches, sculptures, lighting, decorations and similar amenities;
 - (Q) related expenses to redevelop and finance the redevelopment project;
 - (R) for purposes of an incubator project, such costs shall also include wet lab equipment including hoods, lab tables, heavy water equipment and all such other equipment found to be necessary or appropriate for a commercial incubator wet lab facility by the city in its resolution establishing such redevelopment district or a bioscience development district;
 - (S) costs for the acquisition of land for and the construction and installation of publicly-owned infrastructure improvements which serve an intermodal transportation area and are located outside of a redevelopment district; and
 - (T) costs for infrastructure located outside the redevelopment district but contiguous to any portion of the redevelopment district and such infrastructure is necessary for the implementation of the redevelopment plan as determined by the city.
- (2) Redevelopment project costs shall not include: (A) Costs incurred in connection with the construction of buildings or other structures to be owned by or leased to a developer, however, the "redevelopment project costs" shall include costs incurred in connection with the construction of buildings or other structures to be owned or leased to a developer which includes an auto race track facility or a multilevel parking facility.
- (B) In addition, for a redevelopment project financed with special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto, redevelopment project costs shall not include:
- (i) Fees and commissions paid to developers, real estate agents, financial advisors or any other consultants who represent the developers or any other businesses considering locating in or located in a redevelopment district;
 - (ii) salaries for local government employees;
 - (iii) moving expenses for employees of the businesses locating within the redevelopment district;
 - (iv) property taxes for businesses that locate in the redevelopment district;
 - (v) lobbying costs;
 - (vi) a bond origination fee charged by the city pursuant to K.S.A. 12-1742, and amendments thereto;
 - (vii) any personal property, as defined in K.S.A. 79-102, and amendments thereto;
- and

- (viii) travel, entertainment and hospitality.
- (p) "Redevelopment district" means the specific area declared to be an eligible area in which the city may develop one or more redevelopment projects.
- (q) "Redevelopment district plan" or "district plan" means the preliminary plan that identifies all of the proposed redevelopment project areas and identifies in a general manner all of the buildings, facilities and improvements in each that are proposed to be constructed or improved in each redevelopment project area or, if the redevelopment district is established for an intermodal transportation area, in or outside of the redevelopment district.
- (r) "Redevelopment project" means the approved project to implement a project plan for the development of the established redevelopment district.
- (s) "Redevelopment project plan" means the plan adopted by a municipality for the development of a redevelopment project or projects which conforms with K.S.A. 12-1772, and amendments thereto, in a redevelopment district.
- (t) "Substantial change" means, as applicable, a change wherein the proposed plan or plans differ substantially from the intended purpose for which the district plan or project plan was approved.
- (u) "Tax increment" means that amount of real property taxes collected from real property located within the redevelopment district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation.
- (v) "Taxing subdivision" means the county, city, unified school district and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created redevelopment district including a bioscience development district.
- (w) "River walk canal facilities" means a canal and related water features which flows through a redevelopment district and facilities related or contiguous thereto, including, but not limited to pedestrian walkways and promenades, landscaping and parking facilities.
- (x) "Major commercial entertainment and tourism area" may include, but not be limited to, a major multi-sport athletic complex.
- (y) "Major multi-sport athletic complex" means an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.
- (z) "Bioscience" means the use of compositions, methods and organisms in cellular and molecular research, development and manufacturing processes for such diverse areas as pharmaceuticals, medical therapeutics, medical diagnostics, medical devices, medical instruments, biochemistry, microbiology, veterinary medicine, plant biology, agriculture, industrial environmental and homeland security applications of bioscience and future developments in the biosciences. Bioscience includes biotechnology and life sciences.
- (aa) "Bioscience development area" means an area that:
- (1) Is or shall be owned, operated, or leased by, or otherwise under the control of the Kansas bioscience authority;

- (2) is or shall be used and maintained by a bioscience company; or
- (3) includes a bioscience facility.
- (bb) "Bioscience development district" means the specific area, created under K.S.A. 12-1771, and amendments thereto, where one or more bioscience development projects may be undertaken.
- (cc) "Bioscience development project" means an approved project to implement a project plan in a bioscience development district.
- (dd) "Bioscience development project plan" means the plan adopted by the authority for a bioscience development project pursuant to K.S.A. 12-1772, and amendments thereto, in a bioscience development district.
- (ee) "Bioscience facility" means real property and all improvements thereof used to conduct bioscience research, including, without limitation, laboratory space, incubator space, office space and any and all facilities directly related and necessary to the operation of a bioscience facility.
- (ff) "Bioscience project area" means an area designated by the authority within a bioscience development district.
- (gg) "Biotechnology" means those fields focusing on technological developments in such areas as molecular biology, genetic engineering, genomics, proteomics, physiomics, nanotechnology, biodefense, biocomputing, bioinformatics and future developments associated with biotechnology.
- (hh) "Board" means the board of directors of the Kansas bioscience authority.
- (ii) "Life sciences" means the areas of medical sciences, pharmaceutical sciences, biological sciences, zoology, botany, horticulture, ecology, toxicology, organic chemistry, physical chemistry, physiology and any future advances associated with life sciences.
- (jj) "Revenue increase" means that amount of real property taxes collected from real property located within the bioscience development district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation.
- (kk) "Taxpayer" means a person, corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, group or other entity that is subject to the Kansas income tax act, K.S.A. 79-3201 et seq., and amendments thereto.
- (ll) "Floodplain increment" means the increment determined pursuant to K.S.A. 2016 Supp. 12-1771e(b), and amendments thereto.
- (mm) "100-year floodplain area" means an area of land existing in a 100-year floodplain as determined by either an engineering study of a Kansas certified engineer or by the United States federal emergency management agency.
- (nn) "Major motorsports complex" means a complex in Shawnee county that is utilized for the hosting of competitions involving motor vehicles, including, but not limited to, automobiles, motorcycles or other self-propelled vehicles other than a motorized bicycle or motorized wheelchair. Such project may include racetracks, all facilities directly related and necessary to the operation of a motorsports complex, including, but not limited to, parking lots, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility.
- (oo) "Intermodal transportation area" means an area of not less than 800 acres to be

developed primarily to handle the transfer, storage and distribution of freight through railway and trucking operations.

(pp) "Museum facility" means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.

Sec. 57. K.S.A. 2016 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, 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. 2016 Supp. 72-6470 section 14~~, and amendments thereto, within such redevelopment district. 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 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 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.

(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. 58. K.S.A. 2016 Supp. 12-1776a is hereby amended to read as follows: 12-1776a. (a) As used in this section:

(1) "School district" means any school district in which is located a redevelopment district for which bonds have been issued pursuant to K.S.A. 12-1770 et seq., and amendments thereto.

(2) "Base year assessed valuation," "redevelopment district" and "redevelopment project" shall have the meanings ascribed thereto by K.S.A. 12-1770a, and amendments thereto.

(b) No later than November 1 of each year, the county clerk of each county shall certify to the state board of education the assessed valuation of any school district located within a redevelopment district in such county. For the purposes of this section and for determining the amount of state aid for school districts under section 17 and K.S.A. 75-2319, and amendments thereto, the base year assessed valuation of property

within the boundaries of a redevelopment district shall be used when determining the assessed valuation of a school district until the bonds issued pursuant to K.S.A. 12-1770 et seq., and amendments thereto, to finance redevelopment projects in the redevelopment district have been retired.

Sec. 59. K.S.A. 12-17,115 is hereby amended to read as follows: 12-17,115. As used in this act:

(a) "Dilapidated structure" means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

(b) "Municipality" means any municipality as defined by K.S.A. 10-1101, and amendments thereto.

(c) "Neighborhood revitalization area" means:

(1) An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;

(2) an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

(3) an area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

(d) "Governing body" means the governing body of any municipality.

(e) "Increment" means, except for any taxes levied by school districts pursuant to K.S.A. 72-8801, and amendments thereto, that amount of ad valorem taxes collected from real property located within the neighborhood revitalization area or from dilapidated structures outside the revitalization area that is in excess of the amount which is produced from such property and attributable to the assessed valuation of such property prior to the date the neighborhood revitalization area was established or the structure was declared dilapidated pursuant to this act.

Sec. 60. K.S.A. 2016 Supp. 72-978 is hereby amended to read as follows: 72-978.

(a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing school year. The amount of such state aid shall be computed by the state

board as provided in this section. The state board shall:

(1) Determine the total amount of general fund and local option budgets of all school districts;

(2) subtract from the amount determined in subsection (a)(1) the total amount attributable to assignment of transportation weighting, ~~program weighting, bilingual weighting, career technical education weighting,~~ special education weighting and at-risk ~~pupil student~~ weighting, ~~as those weightings were calculated under the school district finance and quality performance act, prior to its repeal,~~ to the enrollment of all school districts;

(3) divide the remainder obtained in subsection (a)(2) by the total number of full-time equivalent pupils enrolled in all school districts on September 20;

(4) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

(5) multiply the amount of the quotient obtained in subsection (a)(3) by the full-time equivalent enrollment determined in subsection (a)(4);

(6) determine the amount of federal funds received by all school districts for the provision of special education and related services;

(7) determine the amount of revenue received by all school districts rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;

(8) add the amounts determined under subsections (a)(6) and (a)(7) to the amount of the product obtained under subsection (a)(5);

(9) determine the total amount of expenditures of all school districts for the provision of special education and related services;

(10) subtract the amount of the sum obtained under subsection (a)(8) from the amount determined under subsection (a)(9); and

(11) multiply the remainder obtained under subsection (a)(10) by 92%.

The computed amount is the amount of state aid for the provision of special education and related services aid a school district is entitled to receive for the ensuing school year.

(b) Each school district shall ~~be entitled to~~ receive:

(1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children. Such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services;

(3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education or related services. Such reimbursement shall not exceed \$600 per exceptional child per school year; and

(4) (A) except for those school districts ~~entitled to that~~ receive reimbursement under subsection (c) or (d), after subtracting the amounts of reimbursement under

subsections (a)(1), (a)(2) and (a)(3) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children and are employed by the school district for approved special education or related services bears to the total number of such qualified full-time equivalent special teachers employed by all school districts for approved special education or related services.

(B) Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(C) For purposes of this subsection (b)(4), a special teacher, qualified to assist in the provision of special education and related services to exceptional children, who assists in providing special education and related services to exceptional children at either the state school for the blind or the state school for the deaf and whose services are paid for by a school district pursuant to K.S.A. 76-1006 or 76-1102, and amendments thereto, shall be considered a special teacher of such school district.

(c) Each school district which has paid amounts for the provision of special education and related services under an interlocal agreement shall ~~be entitled to~~ receive reimbursement under subsection (b)(4). The amount of such reimbursement for the school district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such school district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(d) Each contracting school district which has paid amounts for the provision of special education and related services as a member of a cooperative shall ~~be entitled to~~ receive reimbursement under subsection (b)(4). The amount of such reimbursement for the school district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such school district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(e) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, ~~the Atchison juvenile correctional facility,~~ the Larned juvenile correctional facility, or the Topeka juvenile correctional facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.

(f) There is hereby established in every school district a fund which shall be called the special education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. Notwithstanding any other provision of law, all moneys received by the school district from whatever source for special education shall be credited to the special education fund established by this section, except that: (1)

Amounts of payments received by a school district under K.S.A. 72-979, and amendments thereto, and amounts of grants, if any, received by a school district under K.S.A. 72-983, and amendments thereto, shall be deposited in the general fund of the district and transferred to the special education fund; and (2) moneys received by a school district pursuant to lawful agreements made under K.S.A. 72-968, and amendments thereto, shall be credited to the special education fund established under the agreements.

(g) The expenses of a school district directly attributable to special education shall be paid from the special education fund and from special funds established under K.S.A. 72-968, and amendments thereto.

(h) Obligations of a school district pursuant to lawful agreements made under K.S.A. 72-968, and amendments thereto, shall be paid from the special education fund established by this section.

Sec. 61. K.S.A. 2016 Supp. 72-1046b is hereby amended to read as follows: 72-1046b. (a) As used in this section:

(1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county or Wyandotte county.

(2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and in attendance at a school located in a district in which such pupil is not a resident and who: (A) Lives 2½ or more miles from the attendance center the pupil would attend in the district in which the pupil resides and is not a resident of Johnson county, Sedgwick county, Shawnee county or Wyandotte county; or (B) is a member of the family of a pupil meeting the condition prescribed in ~~subpart~~ subparagraph (A).

(3) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or stepsister, and a foster brother or foster sister.

(b) The board of education of any school district may allow any pupil who is not a resident of the district to enroll in and attend school in such district. The board of education of such district may furnish or provide transportation to any non-resident pupil who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil, the district shall notify the board of education of the district in which the pupil resides that transportation will be furnished or provided.

(c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section shall be counted as regularly enrolled in and attending school in the district where the pupil is enrolled for the purpose of computations under the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463 et seq. Kansas school equity and enhancement act, section 3 et seq.,~~ and amendments thereto, except computation of transportation weighting under such act, and for the purposes of the statutory provisions contained in article 83 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such non-resident pupil shall not be charged for the costs of attendance at school.

~~(d) Any pupil who was not a resident of the district in school year 2014-2015, but was allowed to enroll in and attend school in such district in school year 2014-2015 by the board of education of such district and any member of the family of such pupil~~

~~regardless of whether such family member enrolled in and attended school in such district in school year 2014-2015, shall be allowed to enroll in and attend school in such district in school years 2015-2016 and 2016-2017 regardless of whether such pupil or family member of such pupil is a resident of the district in either school year, provided such pupil or such pupil's family member is in compliance with any attendance and behavior policies of the district. If transportation was furnished or provided to such pupil in school year 2014-2015 by the district, then transportation shall be furnished or provided by the district to such pupil and any family member of such pupil in school years 2015-2016 and 2016-2017, provided there is no change in such pupil's residence and no requirement for the district to furnish transportation to any additional residence.~~

Sec. 62. K.S.A. 2016 Supp. 72-1398 is hereby amended to read as follows: 72-1398. (a) The national board for professional teaching standards certification incentive program is hereby established for the purpose of rewarding teachers who have attained certification from the national board. Teachers who have attained certification from the national board shall be issued a master teacher's license by the state board of education. A master teacher's license shall be valid for 10 years and renewable thereafter every 10 years through compliance with continuing education and professional development requirements prescribed by the state board. Teachers who have attained certification from the national board and who are employed by a school district shall be paid an incentive bonus in the amount of \$1,000 each school year that the teacher remains employed by a school district and retains a valid master teacher's license.

(b) The board of education of each school district employing one or more national board certified teachers shall pay the incentive bonus to each such teacher in each school year that the teacher retains eligibility for such payment. Each board of education which has made payments of incentive bonuses to national board certified teachers under this subsection may file an application with the state board of education for state aid and shall certify to the state board the amount of such payments. The application and certification shall be on a form prescribed and furnished by the state board, shall contain such information as the state board shall require and shall be filed at the time specified by the state board.

(c) In each school year, each school district employing one or more national board certified teachers is entitled to receive from appropriations for the national board for professional teaching standards certification incentive program an amount which is equal to the amount certified to the state board of education in accordance with the provisions of subsection (b). The state board shall certify to the director of accounts and reports the amount due each school district. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district entitled to payment under this section upon vouchers approved by the state board.

(d) Moneys received by a board of education under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463-Kansas school equity and enhancement act, section 3 et seq.~~, and amendments thereto, and may be expended whether the same have been budgeted or not.

(e) The state board of education is authorized to provide scholarships of \$1,100 each to teachers who are accepted to participate in the national board for professional teaching standards program for initial certification. The state board of education is

authorized to provide scholarships of \$500 each to teachers who are accepted to participate in the national board for professional teaching standards program for renewal of certification. Any teacher who has been accepted to participate in such program may file an application with the state board of education for a scholarship. The application shall be on a form prescribed and furnished by the state board, shall contain such information as the state board shall require and shall be filed at the time specified by the state board.

(f) As used in this section, the term "school district" means any school district organized and operating under the laws of this state.

Sec. 63. K.S.A. 2016 Supp. 72-1414 is hereby amended to read as follows: 72-1414. (a) On or before January 1, 2001, the state board of education shall adopt rules and regulations for the administration of mentor teacher programs and shall:

(1) Establish standards and criteria for evaluating and approving mentor teacher programs and applications of school districts for grants;

(2) evaluate and approve mentor teacher programs;

(3) establish criteria for determination of exemplary teaching ability of certificated teachers for qualification as mentor teachers;

(4) prescribe guidelines for the selection by boards of education of mentor teachers and for the provision by boards of education of training programs for mentor teachers;

(5) be responsible for awarding grants to school districts; and

(6) request of and receive from each school district which is awarded a grant for maintenance of a mentor teacher program reports containing information with regard to the effectiveness of the program.

(b) Subject to the availability of appropriations for mentor teacher programs maintained by school districts, and within the limits of any such appropriations, the state board of education shall determine the amount of grants to be awarded school districts by multiplying an amount not to exceed \$1,000 by the number of mentor teachers participating in the program maintained by a school district. The product is the amount of the grant to be awarded to the district. Upon receipt of a grant of state moneys for maintenance of a mentor teacher program, the amount of the grant shall be deposited in the general fund of the school district. Moneys deposited in the general fund of a school district under this subsection shall be considered reimbursements for the purpose of the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto. The full amount of the grant shall be allocated among the mentor teachers employed by the school district so as to provide a mentor teacher with an annual stipend in an amount not to exceed \$1,000. Such annual stipend shall be over and above the regular salary to which the mentor teacher is entitled for the school year.

Sec. 64. K.S.A. 2016 Supp. 72-1923 is hereby amended to read as follows: 72-1923. (a) Except as provided in K.S.A. 2016 Supp. 72-1925, and amendments thereto, the board of education of any school district may apply to the state board for a grant of authority to operate such school district as a public innovative district. The application shall be submitted in the form and manner prescribed by the state board, and shall be submitted not later than December 1 of the school year preceding the school year in which the school district intends to operate as a public innovative district.

(b) The application shall include the following:

(1) A description of the educational programs of the public innovative district;

(2) a description of the interest and support for partnerships between the public innovative district, parents and the community;

(3) the specific goals and the measurable pupil outcomes to be obtained by operating as a public innovative district; and

(4) an explanation of how pupil performance in achieving the specified outcomes will be measured, evaluated and reported.

(c) (1) Within 90 days from the date such application is submitted, the state board shall review the application to determine compliance with this section, and shall approve or deny such application on or before the conclusion of such 90-day period. If the application is determined to be in compliance with this section, the state board shall approve such application and grant the school district authority to operate as a public innovative district. Notification of such approval shall be sent to the board of education of such school district within 10 days after such decision.

(2) If the state board determines such application is not in compliance with either this section, or K.S.A. 2016 Supp. 72-1925, and amendments thereto, the state board shall deny such application. Notification of such denial shall be sent to the board of education of such school district within 10 days after such decision and shall specify the reasons therefor. Within 30 days from the date such notification is sent, the board of education of such school district may submit a request to the state board for reconsideration of the application and may submit an amended application with such request. The state board shall act on the request for reconsideration within 60 days of receipt of such request.

(d) A public innovative district shall:

(1) Not charge tuition for any of the pupils residing within the public innovative district;

(2) participate in all Kansas math and reading assessments applicable to such public innovative district, or an alternative assessment program for measuring student progress as determined by the board of education;

(3) abide by all financial and auditing requirements that are applicable to school districts, except that a public innovative district may use generally accepted accounting principles;

(4) comply with all applicable health, safety and access laws; and

(5) comply with all statements set forth in the application submitted pursuant to subsection (a).

(e) (1) Except as otherwise provided in K.S.A. 2016 Supp. 72-1921 through 72-1930, and amendments thereto, or as required by the board of education of the public innovative district, a public innovative district shall be exempt from all laws and rules and regulations that are applicable to school districts.

(2) A public innovative district shall be subject to the special education for exceptional children act, the virtual school act, ~~the classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, the provisions of K.S.A. 72-8801 et seq., and amendments thereto, all laws governing the issuance of general obligation bonds by school districts, the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and all laws governing the election of members of the board of education, the open meetings act as provided in K.S.A. 75-4317 et seq., and amendments thereto, and the open records act as provided in K.S.A. 45-215 et seq., and amendments thereto.

Sec. 65. K.S.A. 2016 Supp. 72-3712 is hereby amended to read as follows: 72-3712. As used in the virtual school act:

(a) "Virtual school" means any school or educational program that: (1) Is offered for credit; (2) uses distance-learning technologies which predominately use internet-based methods to deliver instruction; (3) involves instruction that occurs asynchronously with the teacher and ~~pupil student~~ in separate locations; (4) requires the ~~pupil student~~ to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation; (5) requires the ~~pupil student~~ to demonstrate competence in subject matter for each class or subject in which the ~~pupil student~~ is enrolled as part of the virtual school; and (6) requires age-appropriate ~~pupils~~ students to complete state assessment tests.

(b) "School district" means any school district which offers a virtual school.

(c) Except as provided by the virtual school act, words and phrases shall have the meanings ascribed thereto in ~~K.S.A. 2016 Supp. 72-6464 section 4~~, and amendments thereto.

Sec. 66. K.S.A. 2016 Supp. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a ~~pupil student~~ shall be in attendance at the virtual school on: (1) A single school day on or before September 19 of each school year; and (2) on a single school day on or after September 20, but before October 4 of each school year.

(b) A school district which offers a virtual school shall determine the full-time equivalent enrollment of each ~~pupil student~~ enrolled in the virtual school on September 20 of each school year as follows:

(1) Determine the number of hours the ~~pupil student~~ was in attendance on a single school day on or before September 19 of each school year;

(2) determine the number of hours the ~~pupil student~~ was in attendance on a single school day on or after September 20, but before October 4 of each school year;

(3) add the numbers obtained under ~~paragraphs subsections~~ (b)(1) and (b)(2);

(4) divide the sum obtained under ~~paragraph subsection~~ (b)(3) by 12. The quotient is the full-time equivalent enrollment of the ~~pupil student~~.

(c) The school days on which a district determines the full-time equivalent enrollment of a ~~pupil student~~ under subsections (b)(1) and (2) shall be the school days on which the ~~pupil student~~ has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a ~~pupil's student's~~ on-line activity or entries in the ~~pupil's student's~~ virtual school journal or log of activities.

(d) Subject to the availability of appropriations and within the limits of any such appropriations, each school year a school district which offers a virtual school shall receive virtual school state aid. The state board of education shall determine the amount of virtual school state aid a school district is to receive as follows:

(1) ~~For school year 2015-2016:~~

~~(A)~~—Determine the number of ~~pupils students~~ enrolled in virtual school on a full-time basis, excluding those ~~pupils students~~ who are over ~~18~~ 19 years of age, and multiply the total number of such ~~pupils students~~ by \$5,000;

~~(B)(2)~~ determine the full-time equivalent enrollment of ~~pupils students~~ enrolled in virtual school on a part-time basis, excluding those pupils who are over ~~18~~ 19 years of age, and multiply the total full-time equivalent enrollment of such ~~pupils~~ by ~~\$4,045~~

students by \$1,700;

~~(C)(3)~~ for pupils students enrolled in a virtual school who are over ~~18~~ 19 years of age, determine the number of one-hour credit courses such ~~pupils~~ students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by ~~\$933~~ \$709; and

~~(D)(4)~~ add the amounts calculated under subsections (d)(1)~~(A)~~ through (d)~~(1)(C)~~ (4). The resulting sum is the amount of virtual school state aid the school district shall receive.

~~(2)~~ For school year ~~2016~~ 2017:

~~(A)~~ Determine the number of pupils enrolled in virtual school on a full-time basis, excluding those pupils who are over 18 years of age, and multiply the total number of such pupils by \$5,600;

~~(B)~~ determine the full-time equivalent enrollment of pupils enrolled in virtual school on a part-time basis, excluding those pupils who are over 18 years of age, and multiply the total full-time equivalent enrollment of such pupils by \$1,700;

~~(C)~~ for pupils enrolled in a virtual school who are over 18 years of age, determine the number of one-hour credit courses such pupils have passed and multiply the total number of such courses by ~~\$933~~; and

~~(D)~~ add the amounts calculated under subsections (d)~~(2)(A)~~ through (d)~~(2)(C)~~. The resulting sum is the amount of virtual school state aid the school district shall receive.

~~(3)~~ For purposes of this subsection:

~~(A)~~ "Full-time" means attendance in a virtual school for no less than six hours as determined pursuant to subsection (b);

~~(B)~~ "Part-time" means attendance in a virtual school for less than six hours as determined pursuant to subsection (b).

~~(e)(1)~~ There is hereby established in every school district a fund which shall be called the virtual school fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to virtual schools offered by a school district may be paid from the virtual school fund. The cost of an advance placement course provided to a pupil student by a virtual school shall be paid by the virtual school. Amounts deposited in the virtual school fund may be transferred to the general fund of the school district as approved by the board of education. Moneys deposited in or otherwise transferred to the virtual school fund shall only be expended for those costs directly attributable to the provision of virtual instruction.

~~(2)~~ Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school 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.

~~(3)~~ In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school 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.

~~(f)~~ For the purposes of this section, a pupil student enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school. The virtual school shall record the permanent address

of any ~~pupil~~ student enrolled in such virtual school.

(g) For purposes of this section:

(1) "Full-time" means attendance in a virtual school for no less than six hours as determined pursuant to subsection (b).

(2) "Part-time" means attendance in a virtual school for less than six hours as determined pursuant to subsection (b).

Sec. 67. K.S.A. 2016 Supp. 72-5333b is hereby amended to read as follows: 72-5333b. (a) The unified school district maintaining and operating a school on the Fort Leavenworth military reservation, being unified school district No. 207 of Leavenworth county, state of Kansas, shall have a governing body, which shall be known as the "Fort Leavenworth school district board of education" and which shall consist of three members who shall be appointed by, and serve at the pleasure of the commanding general of Fort Leavenworth. One member of the board shall be the president and one member shall be the vice-president. The commanding general, when making any appointment to the board, shall designate which of the offices the member so appointed shall hold. Except as otherwise expressly provided in this section, the district board and the officers thereof shall have and may exercise all the powers, duties, authority and jurisdiction imposed or conferred by law on unified school districts and boards of education thereof, except such school district shall not offer or operate any of grades 10 through 12.

(b) The board of education of the school district shall not have the power to issue bonds.

(c) ~~Except as otherwise expressly provided in this subsection, the provisions of the classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463, Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, apply to the school district. As applied to the school district, the terms "local foundation aid" and "federal impact aid" shall not include any moneys received by the school district under subsection (3)(d)(2)(b) of public law 81-874.~~ Any such moneys received by the school district shall be deposited in the general fund of the school district or, at the discretion of the board of education, in the capital outlay fund of the school district.

Sec. 68. K.S.A. 2016 Supp. 72-64b01 is hereby amended to read as follows: 72-64b01. (a) No school district shall expend, use or transfer any moneys from the general fund of the district for the purpose of engaging in or supporting in any manner any litigation by the school district or any person, association, corporation or other entity against the state of Kansas, the state board of education, the state department of education, other state agency or any state officer or employee regarding the Kansas school equity and enhancement act or any other law concerning school finance. No such moneys shall be paid, donated or otherwise provided to any person, association, corporation or other entity and used for the purpose of any such litigation.

(b) ~~Nothing in section 15, and amendments thereto, or this section shall be construed as prohibiting the expenditure, use or transfer of moneys from that portion of the proceeds of any tax levied by a school district pursuant to K.S.A. 2016 Supp. 72-6472 section 19, and amendments thereto, that was levied to finance a school district's local option budget, for the purposes specified in subsection (a).~~

Sec. 69. K.S.A. 2016 Supp. 72-64c03 is hereby amended to read as follows: 72-64c03. The appropriation of moneys necessary to pay general state aid and supplemental general state aid under the ~~classroom learning assuring student success~~

~~act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, and state aid for the provision of special education and related services under the special education for exceptional children act shall be given first priority in the legislative budgeting process and shall be paid first from existing state revenues.

Sec. 70. K.S.A. 2016 Supp. 72-64c05 is hereby amended to read as follows: 72-64c05. Article 6 of the constitution of the state of Kansas states that the legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools; provide for a state board of education having general supervision of public schools, educational institutions and the educational interests of the state, except those delegated by law to the state board of regents; and make suitable provision for finance of the educational interests of the state. It is the purpose and intention of the legislature to provide a financing system for the education of kindergarten and grades one through 12 which provides students with the capacities set forth in K.S.A. 2016 Supp. 72-1127, and amendments thereto. Such financing system shall be sufficiently flexible for the legislature to consider and utilize financing methods from all available resources in order to satisfy the constitutional requirements under article 6. Such financing methods shall include, but are not limited to, the following:

(a) Federal funding to unified school districts or public schools, including any grants or federal assistance;

(b) subject to appropriations by the legislature, appropriations of state moneys for the improvement of public education, including, but not limited to, the following:

(1) Financing to unified school districts through ~~the classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto;

(2) financing to unified school districts through any provisions which provide state aid, such as capital improvements state aid, capital outlay state aid and any other state aid paid, distributed or allocated to school districts on the basis of the assessed valuation of school districts;

(3) employer contributions to the Kansas public employees retirement system for public schools;

(4) appropriations to the Kansas children's cabinet for programs serving students enrolled in unified school districts in meeting the goal specified in K.S.A. 2016 Supp. 72-1127, and amendments thereto;

(5) appropriations to any programs which provide early learning to four-year-old children with the purpose of preparing them for success in public schools;

(6) appropriations to any programs, such as communities in schools, which provide individualized support to students enrolled in unified school districts in meeting the goal specified in K.S.A. 2016 Supp. 72-1127, and amendments thereto;

(7) transportation financing, including any transfers from the state general fund and state highway fund to the state department of education to provide technical education transportation, special education transportation or school bus safety;

(8) financing to other facilities providing public education to students, such as the Kansas state school for the blind, the Kansas state school for the deaf, school district juvenile detention facilities and the Flint Hills job corps center;

(9) appropriations relating to the Kansas academy of mathematics and science;

(10) appropriations relating to teaching excellence, such as scholarships, awards, training or in-service workshops;

(11) appropriations to the state board of regents to provide technical education incentives to unified school districts and tuition costs to postsecondary institutions which provide career technical education to secondary students; and

(12) appropriations to any postsecondary educational institution which provides postsecondary education to a secondary student without charging tuition to such student;

(c) any provision which authorizes the levying of local taxes for the purpose of financing public schools; and

(d) any transfer of funds or appropriations from one object or fund to another approved by the legislature for the purpose of financing public schools.

Sec. 71. K.S.A. 2016 Supp. 72-6622 is hereby amended to read as follows: 72-6622. In the event that all of the property acquired by any two cities under the provisions of K.S.A. 3-404 et seq., and amendments thereto, is included within the territory of a unified school district in which only one of such cities is located:

(a) One-half of the assessed valuation of such property shall be assigned to each of the two school districts in which such cities are located for the purposes of determining the assessed valuation of each district ~~for entitlement to: (1) Supplemental state aid under section 17, and amendments thereto; and (2) payment from the school district capital improvements fund under K.S.A. 75-2319, and amendments thereto;~~

(b) The revenue to be received by each district under subsection (c) shall be used as a receipt by such district in computing its ad valorem tax requirement for each tax levy fund; and

(c) Such property shall be subject to taxation for school purposes at a rate equal to the aggregate of all rates imposed for school purposes upon property located within the school district in which such property is located, but one-half of the proceeds derived from such levy shall be allocated to each of the two school districts in which such cities are located.

Sec. 72. K.S.A. 2016 Supp. 72-6624 is hereby amended to read as follows: 72-6624. (a) As used in this section:

(1) "School district" means unified school district No. 404, unified school district No. 493, unified school district No. 499 and unified school district No. 508.

(2) "Property" means any property, and improvements thereon, comprising a racetrack gaming facility or lottery gaming facility under the Kansas expanded lottery act located in Cherokee county.

(3) "State aid" means general state aid, supplemental state aid, capital improvements state aid, capital outlay state aid and any other state aid paid, distributed or allocated to school districts under the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, or other law, and any other state aid paid, distributed or allocated to school districts on the basis of the assessed valuation of school districts.

(b) For the purposes of computing the assessed valuation of school districts for the payment, distribution or allocation of state aid and the levying of school taxes, $\frac{1}{4}$ of the assessed valuation of such property shall be assigned to each of the school districts.

(c) The provisions of this section shall not apply if the property is not or ceases to be used as a racetrack gaming facility or lottery gaming facility under the Kansas

expanded lottery act.

Sec. 73. K.S.A. 2016 Supp. 72-6625 is hereby amended to read as follows: 72-6625. (a) As used in this section:

(1) "School district" means unified school district No. 507 and unified school district No. 374.

(2) "Property" means the following described property, and improvements thereon, comprised of 1,120 acres, more or less, located in Haskell county: All of Section 34, Township 29 South, Range 33 West and the West $\frac{1}{2}$ of Section 3, Township 30 South, Range 33 West and the Northeast Quarter of Section 3, Township 30 South, Range 33 West.

(3) "State aid" means general state aid, supplemental state aid, capital improvements state aid, capital outlay state aid and any other state aid paid, distributed or allocated to school districts under the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, or other law, and any other state aid paid, distributed or allocated to school districts on the basis of the assessed valuation of school districts.

(b) For the purposes of computing the assessed valuation of school districts for the payment, distribution or allocation of state aid and the levying of school taxes, $\frac{1}{2}$ of the assessed valuation of such property shall be assigned to each of the school districts.

(c) The provisions of this section shall not apply if the property is not or ceases to be used for the production of ethanol.

Sec. 74. K.S.A. 2016 Supp. 72-6757 is hereby amended to read as follows: 72-6757. (a) As used in this section:

(1) "Receiving school district" means a school district of nonresidence of a pupil who attends school in such school district.

(2) "Sending school district" means a school district of residence of a pupil who attends school in a school district not of the pupil's residence.

(b) The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of pupils at school in the receiving school district.

(c) The board of education of any school district may make and enter into contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of pupils from this state at school in such other state or for the attendance of pupils from such other state at school in this state.

(d) Pupils attending school in a receiving school district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto.

(e) Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of pupils who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for pupils who, for any other reason deemed sufficient by the board of education of the

sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district;

(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a pupil or pupils at school in the receiving school district shall not exceed $\frac{1}{2}$ of the amount of the budget per pupil of the sending school district under the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, for the current school year; and

(4) the contract shall make provision for transportation of pupils to and from the school attended on every school day.

(f) Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

(g) The provisions of subsection (e)(3) do not apply to unified school district No. ~~104, Jewell county 107, Rock Hills.~~

(h) The provisions of this section do not apply to contracts made and entered into under authority of the special education for exceptional children act.

(i) The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-8233, and amendments thereto, and no procedure or authorization under K.S.A. 72-8233, and amendments thereto, shall be limited by the provisions of this section.

Sec. 75. K.S.A. 2016 Supp. 72-67,115 is hereby amended to read as follows: 72-67,115. (a) The board of education of any school district may:

(1) Offer and teach courses and conduct preschool programs for children under the age of eligibility to attend kindergarten.

(2) Enter into cooperative or interlocal agreements with one or more other boards for the establishment, operation and maintenance of such preschool programs.

(3) Contract with private, nonprofit corporations or associations or with any public or private agency or institution, whether located within or outside the state, for the establishment, operation and maintenance of such preschool programs.

(4) Prescribe and collect fees for providing such preschool programs.

(b) Fees for providing preschool programs shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the preschool programs. Revenues from fees collected by a board under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.

Sec. 76. K.S.A. 2016 Supp. 72-7535 is hereby amended to read as follows: 72-7535. (a) In order to equip students with the knowledge and skills needed to become self-supporting and to enable students to make critical decisions regarding personal finances, the state board of education shall authorize and assist in the implementation of

programs on teaching personal financial literacy.

(b) The state board of education shall develop a curriculum, materials and guidelines that local boards of education and governing authorities of accredited nonpublic schools may use in implementing the program of instruction on personal financial literacy. The state board of education shall adopt a glossary of personal financial literacy terms which shall be used by school districts when implementing the program on personal financial literacy.

(c) The state board of education shall develop state curriculum standards for personal financial literacy, for all grade levels, within the existing mathematics curriculum or another appropriate subject-matter curriculum.

(d) The state board of education shall encourage school districts when selecting textbooks for mathematics, economics, family and consumer science, accounting or other appropriate courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit, debt management and other topics concerning personal financial literacy.

(e) The state board of education shall include questions relating to personal financial literacy in the statewide assessments for mathematics or social studies required under K.S.A. 2016 Supp. 72-6479 section 42, and amendments thereto. When the statewide assessments for mathematics or social studies are reviewed or rewritten, the state board of education shall examine the questions relating to personal financial literacy and rewrite such questions in order to determine if programs on personal financial literacy are equipping students with the knowledge and skills needed to become self-supporting and enabling students to make critical decisions regarding personal finances.

Sec. 77. K.S.A. 2016 Supp. 72-8187 is hereby amended to read as follows: 72-8187. (a) In each school year, to the extent that appropriations are available, each school district which has provided educational services for pupils residing at the Flint Hills job corps center, for pupils housed at a psychiatric residential treatment facility or for pupils confined in a juvenile detention facility is eligible to receive a grant of state moneys in an amount to be determined by the state board of education.

(b) In order to be eligible for a grant of state moneys provided for by this section, each school district which has provided educational services for pupils residing at the Flint Hills job corps center, for pupils housed at a psychiatric residential treatment facility or for pupils confined in a juvenile detention facility shall submit to the state board of education an application for a grant and shall certify the amount expended, and not reimbursed or otherwise financed, in the school year for the services provided. The application and certification shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of applications for grants of state moneys is prerequisite to the award of grants.

(c) Each school district which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the state board as it may request.

(d) All moneys received by a school district under authority of this section shall be deposited in the general fund of the school district and shall be considered reimbursement of the district for the purpose of the ~~classroom learning assuring student success act~~, K.S.A. 2016 Supp. 72-6463 Kansas school equity and enhancement act.

section 3 et seq., and amendments thereto.

(e) The state board of education shall approve applications of school districts for grants, determine the amount of grants and be responsible for payment of grants to school districts. In determining the amount of a grant which a school district is eligible to receive, the state board shall compute the amount of state financial aid the district would have received on the basis of enrollment of pupils residing at the Flint Hills job corps center, housed at a psychiatric residential treatment facility or confined in a juvenile detention facility if such pupils had been counted as two pupils under the school district finance and quality performance act and compare such computed amount to the amount certified by the district under subsection (b). The amount of the grant the district is eligible to receive shall be an amount equal to the lesser of the amount computed under this subsection or the amount certified under subsection (b). If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

(f) On or before July 1 of each year, the secretary for aging and disability services shall submit to the Kansas department of education a list of facilities which have been certified and licensed as psychiatric residential treatment facilities.

(g) As used in this section:

(1) "Enrollment" means the number of pupils who are: (A) Residing at the Flint Hills job corps center, confined in a juvenile detention facility or residing at a psychiatric residential treatment facility; and (B) for whom a school district is providing educational services on September 20, on November 20, or on April 20 of a school year, whichever is the greatest number of pupils;

(2) "juvenile detention facility" means any public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail; and

(3) "psychiatric residential treatment facility" means a facility which provides psychiatric services to individuals under the age of 21 and which conforms with the regulations of the centers for medicare/medicaid services, is licensed and certified by the Kansas department for aging and disability services pursuant to subsection (f).

Sec. 78. K.S.A. 2016 Supp. 72-8190 is hereby amended to read as follows: 72-8190. (a) For the purpose of determination of supplemental state aid under section 17, and amendments thereto, and payments from the school district capital improvements fund under K.S.A. 75-2319, and amendments thereto, notwithstanding any provision of either such statutory section to the contrary, the term assessed valuation per pupil, as applied to unified school district No. 203, Wyandotte county, shall not include within its meaning the assessed valuation of property which is owned by Sunflower Racing, Inc. and operated as a racetrack facility known as the Woodlands. The meaning of assessed valuation per pupil as provided in this subsection, for the purposes specified in this subsection, and as applied to the unified school district designated in this subsection, shall be in force and effect for the 1994-95 and 1995-96 school years.

(b) (1) In the event unified school district No. 203, Wyandotte county, receives in any school year the proceeds from any taxes which may be paid upon the Woodlands for the 1994-95 school year or the 1995-96 school year or for both such school years,

the state board of education shall deduct an amount equal to the amount of such tax proceeds from future payments of state aid to which the district is entitled.

(2) For the purposes of this subsection, the term "state aid" means payments from the school district capital improvements fund.

Sec. 79. K.S.A. 2016 Supp. 72-8230 is hereby amended to read as follows: 72-8230. (a) In the event the boards of education of any two or more school districts enter into a school district interlocal cooperation agreement for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state, the following conditions shall apply:

(1) A school district interlocal cooperation agreement shall establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the organization and composition of and manner of appointment to the board of directors. Only members of boards of education of school districts party to the agreement shall be eligible for membership on the board of directors. The terms of office of members of the board of directors shall expire concurrently with their terms as board of education members. Vacancies in the membership of the board of directors shall be filled within 30 days from the date of the vacancy in the manner specified in the agreement.

(2) A school district interlocal cooperation agreement may provide for the establishment and composition of an executive board. The members of the executive board, if established, shall be selected by the board of directors from its membership. The executive board shall exercise the powers, have the responsibilities, and perform the duties and functions of the board of directors to the extent authority to do so is delegated by the board of directors.

(3) A school district interlocal cooperation agreement shall be effective only after approval by the state board of education.

(4) A school district interlocal cooperation agreement shall be subject to change or termination by the legislature.

(5) The duration of a school district interlocal cooperation agreement for joint or cooperative action in performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law to be performed by school districts of this state, shall be for a term of at least three years but not exceeding five years.

(6) (A) The duration of a school district interlocal cooperation agreement for joint or cooperative action in providing special education services shall be perpetual unless the agreement is partially or completely terminated in accordance with this provision. This provision applies to every school district interlocal cooperation agreement for the provision of special education services entered into under authority of this section after the effective date of this act and to every such agreement entered into under this section prior to the effective date of this act, and extant on the effective date of this act, regardless of any provisions in such an agreement to the contrary.

(B) Partial termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of three or more school districts may be accomplished only upon petition for withdrawal from the agreement by a contracting school district to the other contracting school districts and approval by the state board of written consent to the petition by such other school

districts or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(C) Complete termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of two school districts may be accomplished upon approval by the state board of a joint petition made to the state board for termination of the agreement by both of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts or upon petition for withdrawal from the agreement made by a contracting school district to the other contracting school district and approval by the state board of written consent to the petition by such other school district or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(D) Complete termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of three or more school districts may be accomplished only upon approval by the state board of a joint petition made to the state board for termination of the agreement by not less than $\frac{2}{3}$ of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts seeking termination of the agreement. The state board shall consider the petition and approve or disapprove termination of the agreement.

(E) The state board shall take such action in approving or disapproving the complete or partial termination of a school district interlocal cooperation agreement for the provision of special education services as the state board deems to be in the best interests of the involved school districts and of the state as a whole in the provision of special education services for exceptional children. Whenever the state board has disapproved the complete or partial termination of such an agreement, no further action with respect to such agreement shall be considered or taken by the state board for a period of not less than three years.

(7) A school district interlocal cooperation agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination.

(8) Within the limitations provided by law, a school district interlocal cooperation agreement may be changed or modified by affirmative vote of not less than $\frac{2}{3}$ of the contracting school districts.

(b) Except as otherwise specifically provided in this subsection, any power or powers, privileges or authority exercised or capable of exercise by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of a school district interlocal cooperation agreement. No power or powers, privileges or authority with respect to the levy and collection of taxes, the issuance of bonds, or the purposes and provisions of the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, or title I of public law 874 shall be created or effectuated for joint exercise pursuant to the provisions of a school district interlocal

cooperation agreement.

(c) Payments from the general fund of each school district which enters into any school district interlocal cooperation agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

(d) Upon partial termination of a school district interlocal cooperation agreement, the board of directors established under a renegotiated agreement thereof shall be the successor in every respect to the board of directors established under the former agreement.

(e) Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all of the powers, privileges and authority conferred upon school districts and boards of education thereof by the provisions of the interlocal cooperation act, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperation agreement that meets the definition of school district interlocal cooperation agreement.

(f) As used in this section:

(1) "School district interlocal cooperation agreement" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of the interlocal cooperation act.

(2) "State board" means the state board of education.

Sec. 80. K.S.A. 2016 Supp. 72-8233 is hereby amended to read as follows: 72-8233. (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make and enter into agreements providing for the attendance of pupils residing in one school district at school in kindergarten or any of the grades one through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses or units of instruction.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

(1) The agreement may be for any term not exceeding a term of five years.

(2) The agreement shall be subject to change or termination by the legislature.

(3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.

(4) The agreement shall make provision for transportation of pupils to and from the school attended on every school day, for payment or sharing of the costs and expenses of pupil attendance at school, and for the authority and responsibility of the participating boards of education.

(c) Provision by agreements entered into under authority of this section for the attendance of pupils at school in a school district of nonresidence of such pupils shall be deemed to be in compliance with the kindergarten, grade, course and units of instruction requirements of law.

(d) The board of education of any school district which enters into an agreement under authority of this section for the attendance of pupils at school in another school district may discontinue kindergarten or any or all of the grades, courses and units of

instruction specified in the agreement for attendance of pupils enrolled in kindergarten or any such grades, courses and units of instruction at school in such other school district. Upon discontinuing kindergarten or any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by pupils enrolled in such discontinued kindergarten, grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval.

(e) Pupils attending school in a school district of nonresidence of such pupils in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of residence of such pupils for the purpose of computations under the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto.

(f) Pupils who satisfactorily complete grade 12 while in attendance at school in a school district of nonresidence of such pupils in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of residence of such pupils unless otherwise provided for by the agreement.

Sec. 81. K.S.A. 2016 Supp. 72-8236 is hereby amended to read as follows: 72-8236. (a) The board of education of any school district may: (1) Establish, operate and maintain a child care facility; (2) enter into cooperative or interlocal agreements with one or more other boards for the establishment, operation and maintenance of a child care facility; (3) contract with private, nonprofit corporations or associations or with any public or private agency or institution, whether located within or outside the state, for the establishment, operation and maintenance of a child care facility; and (4) prescribe and collect fees for providing care at a child care facility.

(b) Fees for providing care at a child care facility established under authority of this section shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the child care facility. Revenues from fees collected by a board under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto, and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.

(c) Every school district which establishes, operates and maintains a child care facility shall be subject to the provisions contained in article 5 of chapter 65 of Kansas Statutes Annotated, and amendments thereto.

(d) As used in this section, the term "child" means any child who is three years of age or older, and any infant or toddler whose parent or parents are pupils or employees of a school district which establishes, operates and maintains, or cooperates in the establishment, operation and maintenance of, a child care facility under authority of this act.

Sec. 82. K.S.A. 2016 Supp. 72-8249 is hereby amended to read as follows: 72-8249. (a) There is hereby established in every school district a special reserve fund.

Moneys in such fund shall be used to:

- (1) Pay claims, judgments, expenses and other purposes relating to health care services, disability income benefits and group life insurance benefits as authorized by K.S.A. 72-8415a, and amendments thereto;
- (2) pay costs relating to uninsured losses; and
- (3) pay the cost of workers compensation insurance and workers compensation claims, awards, expenses and other purposes authorized by the workers compensation act.

~~Moneys in such fund may be transferred to the general fund of the school district as approved by the board of education.~~

(b) Any balance remaining in the special reserve fund at the end of the budget year shall be carried forward into that reserve 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 special reserve 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.

Sec. 83. K.S.A. 2016 Supp. 72-8250 is hereby amended to read as follows: 72-8250. (a) There is hereby established in every school district a textbook and student materials revolving fund. Moneys in such fund shall be used to:

- (1) Purchase any items designated in K.S.A. 72-5389, and amendments thereto;
- (2) pay the cost of materials or other items used in curricular, extracurricular or other school-related activities; and
- (3) purchase textbooks as authorized by K.S.A. 72-4141, and amendments thereto.

~~Moneys in such fund may be transferred to the general fund of the school district as approved by the board of education.~~

(b) Any balance remaining in the textbook and student materials revolving fund at the end of the budget year shall be carried forward into that 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 textbook and student materials revolving 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.~~

Sec. 84. K.S.A. 2016 Supp. 72-8251 is hereby amended to read as follows: 72-8251. Whenever a school district is required by law to make any payment during the month of June and there is insufficient revenue to make such payment as a result of the payment of state aid after the date prescribed by the state board of education pursuant to ~~K.S.A. 2016 Supp. 72-6466 section 7~~, and amendments thereto, the school district shall make such payment as soon as moneys are available.

Sec. 85. K.S.A. 2016 Supp. 72-8302 is hereby amended to read as follows: 72-8302. (a) The board of education of a school district may provide or furnish transportation for ~~pupils~~ students who are enrolled in the school district to or from any school of the school district or to or from any school of another school district attended by such ~~pupils~~ students in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

(b) (1) When any or all of the conditions specified in this provision exist, the board of education of a school district shall provide or furnish transportation for ~~pupils~~ students who reside in the school district and who attend any school of the school district or who attend any school of another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto. The conditions which apply to the requirements of this provision are as follows:

(A) The residence of the ~~pupil~~ student is inside or outside the corporate limits of a city, the school building attended is outside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the ~~pupil~~ student; or

(B) the residence of the ~~pupil~~ student is outside the corporate limits of a city, the school building attended is inside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the ~~pupil~~ student; or

(C) the residence of the ~~pupil~~ student is inside the corporate limits of one city, the school building attended is inside the corporate limits of a different city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the ~~pupil~~ student.

(2) The provisions of this subsection are subject to the provisions of subsections (c) and (d).

(c) The board of education of every school district is authorized to adopt rules and regulations to govern the conduct, control and discipline of all ~~pupils~~ students while being transported in school buses. The board may suspend or revoke the transportation privilege or entitlement of any ~~pupil~~ student who violates any rules and regulations adopted by the board under authority of this subsection.

(d) The board of education of every school district may suspend or revoke the transportation privilege or entitlement of any ~~pupil~~ student who is detained at school at the conclusion of the school day for violation of any rules and regulations governing ~~pupil~~ student conduct or for disobedience of an order of a teacher or other school authority. Suspension or revocation of the transportation privilege or entitlement of any ~~pupil~~ student specified in this subsection shall be limited to the school day or days on which the ~~pupil~~ student is detained at school. The provisions of this subsection do not apply to any ~~pupil~~ student who has been determined to be an exceptional child, except gifted children, under the provisions of the special education for exceptional children act.

(e) (1) Subject to the limitations specified in this subsection, the board of education of any school district may prescribe and collect fees to offset, totally or in part, the costs incurred for the provision or furnishing of transportation for ~~pupils~~ students. The limitations which apply to the authorization granted by this subsection are as follows:

(A) Fees for the provision or furnishing of transportation for ~~pupils~~ students shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the provision or furnishing of transportation for ~~pupils~~ students and only to the extent that such costs are not reimbursed from any other source provided by law;

(B) fees for the provision or furnishing of transportation may not be assessed against or collected from any ~~pupil~~ student who is counted in determining the transportation weighting of the school district under the Kansas school equity and

enhancement act, section 3 et seq., and amendments thereto, or any student who is determined to be a child with disabilities under the provisions of the special education for exceptional children act or any ~~pupil student~~ who is eligible for free or reduced price meals under the national school lunch act or any ~~pupil student~~ who is entitled to transportation under the provisions of K.S.A. 72-8306(a), and amendments thereto, and who resides 2½ miles or more by the regular route of a school bus from the school attended;

(C) fees for the provision or furnishing of transportation for ~~pupils students~~ in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall be controlled by the provisions of the agreement.

(2) All moneys received by a school district from fees collected under this subsection shall be deposited in the general fund of the district.

Sec. 86. K.S.A. 2016 Supp. 72-8309 is hereby amended to read as follows: 72-8309. (a) The board of education of a school district shall not furnish or provide transportation for ~~pupils or~~ students who reside in another school district except in accordance with the written consent of the board of education of the school district in which such ~~pupil or~~ student resides, or in accordance with an order issued by a board of education under the provisions of K.S.A. 72-1046b, and amendments thereto, or in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

(b) A school district may transport a nonresident ~~pupil or~~ student if such ~~pupil or~~ student boards the school bus within the boundaries or on the boundary of the transporting school district. To the extent that the provisions of this subsection conflict with the provisions of subsection (a), the provisions of subsection (a) shall control.

(c) No student who is furnished or provided transportation by a school district that is not the school district in which the student resides shall be counted in the computation of the school district's transportation weighting under the Kansas school equity and enhancement act, section 3 et seq., and amendments thereto.

Sec. 87. K.S.A. 2016 Supp. 72-8316 is hereby amended to read as follows: 72-8316. (a) Any board of education, pursuant to a policy developed and adopted by it, may provide for the use of district-owned or leased school buses when such buses are not being used for regularly required school purposes. The policy may provide for:

(1) (A) Transporting parents and other adults to or from school-related functions or activities; (B) transporting ~~pupils students~~ to or from functions or activities sponsored by organizations, the membership of which is principally composed of children of school age; and (C) transporting persons engaged in field trips in connection with their participation in an adult education program maintained by the transporting school district or by any other school district, within or outside the boundaries of the transporting school district; and

(2) contracting with: (A) The governing body of any township, city or county for transportation of individuals, groups or organizations; (B) the governing authority of any nonpublic school for transportation of ~~pupils students~~ attending such nonpublic school to or from interschool or intraschool functions or activities; (C) the board of trustees of any community college for transportation of students enrolled in such community college to or from attendance at class at the community college or to and from functions or activities of the community college; (D) a public recreation

commission established and operated under the laws of this state, for any purposes related to the operation of the recreation commission and all programs and services thereof; (E) the board of education of any other school district for transportation, on a cooperative and shared-cost basis, of ~~pupils~~ students, school personnel, parents and other adults to or from school-related functions or activities; or (F) a four-year college or university, area vocational school or area vocational-technical school for transportation of students to or from attendance at class at the four-year college or university, area vocational school or area vocational-technical school or for transportation of students, alumni and other members of the public to or from functions or activities of the four-year college or university, area vocational school or area vocational-technical school.

(b) The costs related to the use of school buses under the authority of this section shall not be considered in determining the transportation weighting of a school district under the Kansas school equity and enhancement act, section 3 et seq., and amendments thereto.

~~(b)(c)~~ (c) Transportation fees may be charged by the board to offset, totally or in part, the costs incurred for the use of school buses under authority of this section.

~~(c)(d)~~ (d) Any revenues received by a board of education as transportation fees or under any contract entered into pursuant to this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the school district for the purpose of the ~~classroom learning assuring student success act, K.S.A. 2016 Supp. 72-6463~~ Kansas school equity and enhancement act, section 3 et seq., and amendments thereto. Such revenues may be expended whether the same have been budgeted or not.

~~(d)(e)~~ (e) The provisions of K.S.A. 8-1556(c), and amendments thereto, apply to the use of school buses under authority of this section.

Sec. 88. K.S.A. 2016 Supp. 72-8415b is hereby amended to read as follows: 72-8415b. (a) Any school district that elects to become a self-insurer under the provisions of K.S.A. 72-8414, and amendments thereto, may transfer moneys from its general fund to the special reserve fund of the district as provided by ~~K.S.A. 2016 Supp. 72-6478~~ section 42, and amendments thereto.

(b) Any community college that elects to become a self-insurer under the provisions of K.S.A. 72-8414, and amendments thereto, may transfer such amounts from its general fund to the health care services reserve fund or the disability income benefits reserve fund, or the group life benefit reserve fund, or all three, as may be deemed necessary to meet the cost of health care services or disability income benefits, or group life insurance claims, whichever is applicable.

Sec. 89. K.S.A. 2016 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and, with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in the following form:

Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy ~~for a period not to exceed _____ years~~ in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: ~~(1) Acquisition of Computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; (8) utility expenses; (9) property and casualty insurance; and (8) acquisition of (10) other fixed assets, and with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto,~~ for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, _____

Clerk of the board of education.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "~~years~~" shall be filled with a specific number, and the blank preceding the word "~~mills~~" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

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

Sec. 90. K.S.A. 72-8803 is hereby amended to read as follows: 72-8803. There is hereby established in every school district of the state a fund which shall be called the capital outlay fund. The capital outlay fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. The proceeds of any tax levied under article 88 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, shall be deposited in the capital outlay fund of the school district making such levy, except for an amount to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district, ~~shall be deposited in the capital outlay fund of the school district making such levy with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto.~~

Sec. 91. K.S.A. 2016 Supp. 72-8804 is hereby amended to read as follows: 72-8804. (a) Any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) ~~Acquisition of~~ Computer software; (2) ~~acquisition of~~ performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) ~~acquisition of~~ building sites; (6) undertaking and maintenance of asbestos control projects; (7) ~~acquisition of~~ school buses; (8) ~~utility expenses~~; (9) ~~property and casualty insurance~~; and (8) ~~acquisition of~~ (10) other fixed assets, ~~and, for school years 2015-2016 and 2016-2017, subject to the provisions of K.S.A. 2016 Supp. 72-6478, and amendments thereto, may be transferred~~

~~to the general fund of the school district as approved by the board of education.~~

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.

Sec. 92. K.S.A. 2016 Supp. 72-8908 is hereby amended to read as follows: 72-8908. As used in this act:

- (a) "Juvenile" means a person who is less than 18 years of age;
- (b) "adult" means a person who is 18 years of age or older;
- (c) "felony" means any crime designated a felony by the laws of Kansas or the United States;
- (d) "misdemeanor" means any crime designated a misdemeanor by the laws of Kansas or the United States;
- (e) "school day" means any day on which school is maintained;
- (f) "school year" ~~has the meaning ascribed thereto in K.S.A. 2016 Supp. 72-6464~~ means the same as such term is defined in section 4, and amendments thereto;
- (g) "counsel" means any person a pupil selects to represent and advise the pupil at all proceedings conducted pursuant to the provisions of this act; and
- (h) "principal witness" means any witness whose testimony is of major importance in support of the charges upon which a proposed suspension or expulsion from school is based, or in determination of material questions of fact.

Sec. 93. K.S.A. 2016 Supp. 72-9509 is hereby amended to read as follows: 72-9509. (a) There is hereby established in every school district a fund which shall be called the bilingual education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. ~~Amounts deposited in the bilingual education fund may be used for the payment of expenses directly attributable to bilingual education or may be transferred to the general fund of the school district as approved by the board of education. The expenses of a school district directly attributable to such bilingual education programs shall be paid from the bilingual education fund. Moneys deposited in or otherwise transferred to the bilingual education fund shall only be expended for those costs directly attributable to the provision of bilingual education programs.~~

(b) Any balance remaining in the bilingual education fund at the end of the budget year shall be carried forward into the bilingual 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 bilingual 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) Each year the board of education of each school district shall prepare and submit to the state board a report on the bilingual education program and assistance provided by the district. Such report shall include information specifying the number of

pupils who were served or provided assistance, the type of service provided, the research upon which the 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.

Sec. 94. K.S.A. 2016 Supp. 72-9609 is hereby amended to read as follows: 72-9609. There is hereby established in every school district a fund which shall be called the professional development fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by the school district from whatever source for professional development programs established under this act shall be credited to the fund established by this section. ~~Amounts deposited in the professional development fund may be used for the payment of expenses directly attributable to professional development or may be transferred to the general fund of the school district as approved by the board of education.~~ The expenses of a school district directly attributable to professional development programs shall be paid from the professional development fund.

Sec. 95. K.S.A. 2016 Supp. 72-99a02 is hereby amended to read as follows: 72-99a02. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) (A) Qualifies as an at-risk pupil as defined in K.S.A. 72-6407, prior to its repeal, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while eligible for an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 2016 Supp. 72-99a01 through 72-99a07, and amendments thereto.

(g) "Public school" means a school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013 and is operated by a school district.

(h) "Qualified school" means any nonpublic school that provides education to elementary or secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with

the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" shall have the meaning ascribed thereto in ~~K.S.A. 2016 Supp. 72-6464~~ section 4, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 96. On and after July 1, 2018, K.S.A. 2016 Supp. 72-99a02, as amended by section 95 of this act, is hereby amended to read as follows: 72-99a02. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) (A) ~~Qualifies as an at-risk pupil as defined in K.S.A. 72-6407, prior to its repeal~~ Is an at-risk student, as defined in section 4, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while eligible for an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 2016 Supp. 72-99a01 through 72-99a07, and amendments thereto.

(g) "Public school" means a school that ~~would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013~~ and is operated by a school district, and identified by the state board as one of the lowest 100 performing schools with respect to student achievement among all schools operated by school districts for the current school year.

(h) "Qualified school" means any nonpublic school that provides education to elementary or secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program. On and after July 1, 2020, a qualified school shall be accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible

students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" shall have the meaning ascribed thereto in section 4, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 97. K.S.A. 2016 Supp. 72-99a07 is hereby amended to read as follows: 72-99a07. (a) (1) There shall be allowed a credit against the corporate income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for tax years commencing after December 31, 2014, and ending before January 1, 2017, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 2016 Supp. 72-99a01 et seq., and amendments thereto.

(2) There shall be allowed a credit against the tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for tax years commencing after December 31, 2016, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 2016 Supp. 72-99a01 et seq., and amendments thereto. In no event shall the total amount of contributions for any taxpayer allowed under this subsection exceed \$500,000 for any tax year.

(b) The credit shall be claimed and deducted from the taxpayer's tax liability during the tax year in which the contribution was made to any such scholarship granting organization.

(c) For each tax year, in no event shall the total amount of credits allowed under this section exceed \$10,000,000 for any one tax year. Except as otherwise provided, the allocation of such tax credits for each scholarship granting organization shall be determined by the scholarship granting organization in consultation with the secretary, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section.

(d) If the amount of any such tax credit claimed by a taxpayer exceeds the taxpayer's income, privilege or premium tax liability, such excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability.

(e) The secretary shall adopt rules and regulations regarding filing of documents that support the amount of credit claimed pursuant to this section.

Sec. 98. K.S.A. 2016 Supp. 74-4939a is hereby amended to read as follows: 74-4939a. On and after the effective date of this act for each fiscal year commencing with fiscal year 2005, notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, or any other statute, all moneys appropriated for the department of education from the state general fund commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by appropriation act of the legislature, in the KPERS — employer contributions account and all moneys appropriated for the department of education from the state general fund or any special revenue fund for each fiscal year commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by any such appropriation act in that account or any other account for payment of employer contributions for school districts, shall be distributed by the department of education to school districts in accordance with this section. Notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, ~~for school year 2015-2016, the department of education shall disburse to each school district that is an eligible employer as specified in K.S.A. 74-4931(1), and amendments thereto, an amount in accordance with K.S.A. 2016 Supp. 72-6465(a)(6), and amendments thereto, which shall be disbursed pursuant to K.S.A. 2016 Supp. 72-6465, and amendments thereto. Notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, for school year 2016-2017, the department of education shall disburse to each school district that is an eligible employer as specified in K.S.A. 74-4931(1), and amendments thereto, an amount in accordance with K.S.A. 2016 Supp. 72-6465(b)(4), and amendments thereto, which shall be disbursed pursuant to K.S.A. 2016 Supp. 72-6465, and amendments thereto~~ certified by the board of trustees of the Kansas public employees retirement system that is equal to the participating employer's obligation of such school district to the system in accordance with policies and procedures that are hereby authorized and directed to be adopted by the state board of education for the purposes of this section and in accordance with any requirements prescribed by the board of trustees of the Kansas public employees retirement system. Upon receipt of each such disbursement of moneys, the school district shall deposit the entire amount thereof into a special retirement contributions fund of the school district, which shall be established by the school district in accordance with such policies and procedures and which shall be used for the sole purpose of receiving such disbursements from the department of education and making the remittances to the system in accordance with this section and such policies and procedures. Upon receipt of each such disbursement of moneys from the department of education, the school district shall remit, in accordance with the provisions of such policies and procedures and in the manner and on the date or dates prescribed by the board of trustees of the Kansas public employees retirement system, an equal amount to the Kansas public employees retirement system from the special retirement contributions fund of the school district to satisfy such school district's obligation as a participating employer. Notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, each school district that is an eligible employer as specified in K.S.A. 74-4931(1), and amendments thereto, shall show within the budget of such school district all amounts received from disbursements into the special retirement contributions fund of such school district. Notwithstanding the provisions of any other statute, no official action of the school board of such school district shall be required to approve a remittance to the system in accordance with this section and such policies and procedures. All remittances of moneys to the system by a school district in accordance with this

subsection and such policies and procedures shall be deemed to be expenditures of the school district.

Sec. 99. K.S.A. 2016 Supp. 74-8925 is hereby amended to read as follows: 74-8925. (a) For the purposes of this act, the term "taxing subdivision" shall include the county, the city, the unified school district and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created redevelopment district. The term "real property taxes" includes all taxes levied on an ad valorem basis upon land and improvements thereon, other than the property tax levied pursuant to the provisions of ~~K.S.A. 2016 Supp. 72-6470 section 14,~~ and amendments thereto, or any other property tax levied by or on behalf of a school district.

(b) All tangible taxable property located within a redevelopment district 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 a redevelopment district. Each redevelopment district established under the provisions of this act shall constitute a separate taxing unit for the purpose of the computation and levy of taxes.

(c) Beginning with the first payment of taxes which are levied following the date of approval of any redevelopment district established pursuant to K.S.A. 74-8921, 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, as herein defined, on property located within such redevelopment 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 of the taxing subdivisions upon property located within a redevelopment 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 redevelopment district.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within the redevelopment district 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 according to specified percentages of the tax increment expressly agreed upon and consented to by the governing bodies of the county and school district in which the redevelopment district is located. The amount of the real property taxes allocated and payable to the authority under the agreement shall be paid by the county treasurer to the treasurer of the state. The remaining amount of the real property taxes not payable to the authority shall be allocated and paid in the same manner as other ad valorem taxes. Any real property taxes paid to the state treasurer under this section shall be deposited in the

redevelopment bond finance fund of the authority which is created pursuant to K.S.A. 74-8927, and amendments thereto, to pay the costs of any approved redevelopment project, including the payment of principal of and interest on any bonds issued by the authority to finance, in whole or in part, such project. When such bonds and interest thereon have been paid, all moneys thereafter received from real property taxes within such redevelopment district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes. If such bonds and interest thereon have been paid before the completion of a project, the authority may continue to use such moneys for any purpose authorized by the redevelopment agreement until such time as the project costs are paid or reimbursed, but for a period not to exceed the final scheduled maturity of the bonds.

(d) In any redevelopment plan or in the proceedings for the issuing of any bonds by the authority to finance a project, the property tax increment portion of taxes provided for in subsection (c)(2) may be irrevocably pledged for the payment of the principal of and interest on such bonds. The authority may adopt a redevelopment plan in which only a specified percentage of the tax increment realized from taxpayers in the redevelopment district is pledged to the payment of costs.

Sec. 100. K.S.A. 2016 Supp. 74-99b43 is hereby amended to read as follows: 74-99b43. (a) The Kansas development finance authority is hereby authorized to issue special obligation bonds pursuant to K.S.A. 74-8901 et seq., and amendments thereto, in one or more series to finance the undertaking of any bioscience development project in accordance with the provisions of this act. No special obligation bonds may be issued pursuant to this section unless the Kansas development finance authority has received a resolution of the board of the authority requesting the issuance of such bonds. Such special obligation bonds shall be made payable, both as to principal and interest from one or more of the following, as directed by the authority:

(1) From ad valorem tax increments allocated to, and paid into the bioscience development bond fund for the payment of the project costs of a bioscience development project under the provisions of this section;

(2) from any private sources, contributions or other financial assistance from the state or federal government;

(3) from a pledge of a portion or all of the revenue received from transient guest, sales and use taxes collected pursuant to K.S.A. 12-1696 et seq., 79-3601 et seq., 79-3701 et seq. and 12-187 et seq., and amendments thereto, and which are collected from taxpayers doing business within that portion of the bioscience development district and paid into the bioscience development bond fund;

(4) from a pledge of a portion or all increased revenue received by any city from franchise fees collected from utilities and other businesses using public right-of-way within the bioscience development district; or

(5) by any combination of these methods.

(b) All tangible taxable property located within a bioscience development district 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 a

bioscience development district. Each bioscience development district established under the provisions of this act shall constitute a separate taxing unit for the purpose of the computation and levy of taxes.

(c) Beginning with the first payment of taxes which are levied following the date of the establishment of the bioscience development district 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, as defined in K.S.A. 2016 Supp. 12-1770a, and amendments thereto, on property located within such bioscience development 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 of the taxing subdivisions upon property located within a bioscience development 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 the base year assessed valuation.

(2) Any real property taxes, except for property taxes levied for schools pursuant to ~~K.S.A. 2016 Supp. 72-6470 section 14~~, and amendments thereto, produced from that portion of the current assessed valuation of real property within the bioscience development district constituting a separate taxing unit under the provisions of this section in excess of the base year assessed valuation shall be allocated and paid by the county treasurer to the bioscience development bond fund to pay the bioscience development project costs including the payment of principal and interest on any special obligation bonds to finance, in whole or in part, such bioscience development projects.

(d) The authority may pledge the bioscience development bond fund or other available revenue to the repayment of such special obligation bonds prior to, simultaneously with, or subsequent to the issuance of such special obligation bonds.

(e) Any bonds issued under the provisions of this act and the interest paid thereon, unless specifically declared to be taxable in the authorizing resolution of the Kansas development finance authority, shall be exempt from all state, county and municipal taxes, and the exemption shall include income, estate and property taxes.

Sec. 101. K.S.A. 75-2318 is hereby amended to read as follows: 75-2318. (a) Upon receiving an application under K.S.A. 75-2317, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

(b) (1) Commencing in school year 2017-2018, the state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year. In determining whether to approve an application, the state board shall prioritize applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(A) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(B) enrollment growth and imminent overcrowding as demonstrated by successive

increases in enrollment of the school district in the immediately preceding three school years:

(C) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(D) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(2) The state board shall not consider a school district's eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district's application.

(3) The provisions of subsection (b)(1) shall not apply to school districts that have not issued any general obligation bonds in the 25 years prior to the current school year.

(c) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.

(d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.

(e) Commencing in school year 2017-2018, the state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.

(f) The provisions of subsections (b), (d) and (e) shall expire on June 30, 2022.

Sec. 102. K.S.A. 2016 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection.

(1) For general obligation bonds approved for issuance at an election held prior to July 1, 2015, the state board of education shall:

(A) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(1);

(B) determine the median AVPP of all school districts;

(C) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from

the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2016 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(E) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held prior to July 1, 2015; and

(F) multiply the amount determined under subsection (b)(1)(E) by the applicable state aid percentage factor.

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, the state board of education shall:

(A) Determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(2);

(B) prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 2016 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 75%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2015; and

(E) multiply the amount determined under subsection (b)(2)(D) by the applicable state aid percentage factor.

(3) For general obligation bonds approved for issuance at an election held on or before June 30, 2016, the sum of the amount determined under subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E) is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(4) For general obligation bonds approved for issuance at an election held on or

after July 1, 2016, the amount determined under subsection (b)(2)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

(A) The state board of education shall determine the six-year average amount of capital improvement state aid by calculating the average of the total amount of moneys expended per year from the school district capital improvements fund in the immediately preceding six fiscal years, not to include the current fiscal year.

(B) (i) Subject to clause (ii), the state board of education shall prioritize the allocations to school districts from the school district capital improvements fund in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(a) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(b) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(c) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(d) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(ii) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section.

(C) On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection (b)(5) prior to an election to approve the issuance of general obligation bonds.

(5) Except as provided in subsections (b)(6) and (b)(7), the sum of the amounts determined under subsection (b)(3) and the amount determined or allocated to the district by the state board of education pursuant to subsection (b)(4), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(6) A school district that had an enrollment of less than 260 students in the school year immediately preceding the school year in which an election is held to approve the issuance of general obligation bonds shall not be entitled to receive payments from the school district capital improvements fund unless such school district applied for and receive approval from the state board of education to issue such bonds prior to holding an election to approve such bond issuance. The provisions of this paragraph shall apply to general obligation bonds approved for issuance at an election held on or after July 1, 2017, that are issued for the purpose of financing the construction of new school facilities.

(7) For general obligation bonds approved for issuance at an election held on or

after July 1, 2017, in determining the amount under subsection (b)(2)(D), the state board shall exclude payments for any capital improvement project, or portion thereof that proposes to construct, reconstruct or remodel a facility that would be used primarily for extracurricular activities, unless the construction, reconstruction or remodeling of such facility is necessary due to concerns relating to the safety of the current facility or disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2013~~, ~~June 30, 2014~~ 2017, ~~June 30, 2015~~ 2018, and ~~June 30, 2016~~ 2019, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) On or before the first day of the legislative session in 2017, and each year thereafter, the state board of education shall prepare and submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection (b)(4)(C).

Sec. 103. K.S.A. 2016 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2015 and 2016~~ 2017 and 2018, 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. 2016 Supp. 72-6470~~ section 14, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.

Sec. 104. K.S.A. 2016 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the state board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the state board of tax appeals. With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the board of tax appeals by the county appraiser on or before the effective date of this act, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state board of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the constitution of the state of Kansas; or (2) K.S.A. 79-201a *Second*, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m, and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth*, and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad

valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x, and amendments thereto, from the property tax levied pursuant to ~~K.S.A. 2016 Supp. 72-6470~~ section 14, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto; (17) from and after July 1, 1998, motor vehicles exempted from taxation by K.S.A. 79-5107(e), and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-224, and amendments thereto; and (20) property exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-234, and amendments thereto.

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the constitution of the state of Kansas.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

Sec. 105. K.S.A. 2016 Supp. 79-2001 is hereby amended to read as follows: 79-2001. (a) As soon as the county treasurer receives the tax roll of the county, the treasurer shall enter in a column opposite the description of each tract or parcel of land the amount of unpaid taxes and the date of unredeemed sales, if any, for previous years on such land. The treasurer shall cause a notice to be published in the official county paper once each week for three consecutive weeks, stating in the notice the amount of taxes charged for state, county, township, school, city or other purposes for that year, on each \$1,000 of valuation.

(b) Each year after receipt of the tax roll from the county clerk and before December 15, the treasurer shall mail to each taxpayer, as shown by the rolls, a tax statement which indicates the taxing unit, assessed value of real and personal property, the mill levy and tax due. In addition, with respect to land devoted to agricultural use, such statement shall indicate the acreage and description of each parcel of such land. The tax statement shall also indicate separately each parcel of real property which is separately classified for property tax purposes. The county appraiser shall provide the information necessary for the county treasurer to comply with the provisions of this section. The tax statement also may include the intangible tax due the county. All items

may be on one statement or may be shown on separate statements and may be on a form prescribed by the county treasurer. The statement shall be mailed to the last known address of the taxpayer or to a designee authorized by the taxpayer to accept the tax statement, if the designee has an interest in receiving the statement. When any statement is returned to the county treasurer for failure to find the addressee, the treasurer shall make a diligent effort to find a forwarding address of the taxpayer and mail the statement to the new address. All tax statements mailed pursuant to this section shall be mailed by first-class mail. The requirement for mailing a tax statement shall extend only to the initial statement required to be mailed in each year and to any follow-up required by this section.

(c) For tax year 1998, and all tax years thereafter, after receipt of the tax roll from the county clerk and before December 15, the treasurer shall mail to each taxpayer, as shown by the tax rolls, a tax information form which indicates the taxing unit, assessed value of real property for the current and next preceding taxable year, the mill levy for the current and next preceding taxable year and, in the case of unified school districts, the mill levy required by ~~K.S.A. 2016 Supp. 72-6470~~ section 14, and amendments thereto, shall be separately indicated, the tax due and an itemization of each taxing unit's mill levy for the current and next preceding taxable year and the percentage change in the amount of revenue produced therefrom, if any. In addition, with respect to land devoted to agricultural use, such form shall indicate the acreage and description of each parcel of such land. The tax information form shall also indicate separately each parcel of real property which is separately classified for property tax purposes. The county appraiser shall provide the information necessary for the county treasurer to comply with the provisions of this section. The tax information form may be separate from the tax statement or a part of the tax statement. The tax information form shall be in a format prescribed by the director of property valuation. The tax information form shall be mailed to the last known address of the taxpayer. When a tax information form is returned to the county treasurer for failure to find the addressee, the treasurer shall make a diligent effort to find a forwarding address of the taxpayer and mail the tax information form to the new address. All tax information forms mailed pursuant to this section shall be mailed by first class mail.

Sec. 106. K.S.A. 2016 Supp. 79-2925b is hereby amended to read as follows: 79-2925b. (a) Without a majority vote so providing, the governing body of any municipality shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year. If the total tangible property valuation in any municipality increases from the next preceding year due to increases in the assessed valuation of existing tangible property and such increase exceeds changes in the consumer price index, the governing body shall lower the amount of ad valorem tax to be levied to the amount of ad valorem tax levied in the next preceding year, adjusted to reflect changes in the consumer price index. This subsection shall not apply to ad valorem taxes levied under K.S.A. 76-6b01 and 76-6b04 and ~~K.S.A. 2016 Supp. 72-6470~~ section 14, and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. Notwithstanding the requirements of this subsection, nothing herein shall

prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the proposed increase with a majority vote of the governing body by the adoption of a resolution and publishes its vote to approve the appropriation or budget including the increase as provided in subsection (c).

(b) Revenue that, in the current year, is produced and attributable to the taxation of:

- (1) New improvements to real property;
- (2) increased personal property valuation;
- (3) property located within added jurisdictional territory; or

(4) property which has changed in use shall not be considered when determining whether revenue produced from property has increased from the next preceding year.

(c) In the event the governing body votes to approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year as provided in subsection (a), notice of such vote shall be published in the official county newspaper of the county where such municipality is located.

(d) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.

(e) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.

(f) For purposes of this section:

(1) "Municipality" means any political subdivision of the state which levies an ad valorem tax on property and includes, but is not limited to, any township, municipal university, school district, community college, drainage district or other taxing district;

(2) "municipality" shall not include:

(A) Any such political subdivision or taxing district which receives \$1,000 or less in revenue from property taxes in the current year; or

(B) any city or county.

Sec. 107. K.S.A. 2016 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.
- (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. 2016 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. 2016 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. 2016 Supp. 74-50,154, and amendments thereto.
- (xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2016 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development

account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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 all taxable years beginning after December 31, 2012, 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 all taxable years beginning after December 31, 2012, 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 all taxable years beginning after December 31, 2012, 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 all taxable years beginning after December 31, 2012, 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 all taxable years beginning after December 31, 2012, 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. 2016 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 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. 2016 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect,

which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For all taxable years beginning after December 31, 2012, 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. 2016 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 all taxable years beginning after December 31, 2012, 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 all taxable years beginning after December 31, 2012, 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 all taxable years beginning after December 31, 2013, 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.

Sec. 108. In sections 1 and 2, 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. 109. K.S.A. 12-17,115, 72-8803 and 75-2318 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1742, 12-1770a, 12-1775a, 12-1776a, 46-1133, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-6482, 72-64b01, 72-64c01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a07, 74-4939a, 74-8925, 74-99b43, 75-2319, 75-2319, as amended by section 46 of Senate Substitute for Substitute for House Bill No. 2052, 79-201x, 79-213, 79-2001, 79-2925b and 79-32,117 are hereby repealed.

Sec. 110. On and after July 1, 2018, K.S.A. 2016 Supp. 72-99a02, as amended by section 95 of this act, is hereby repealed.";

Also on page 15, in line 28, by striking "January 1, 2018,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the Kansas school equity and enhancement act; amending K.S.A. 12-17,115, 72-8803 and 75-2318 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1742, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a07, as amended by section 95 of this act, 72-99a07, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001, 79-2925b, and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482, 75-2319, as amended by section 46 of Senate Substitute for Substitute for House Bill No. 2052";

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

LARRY CAMPBELL

CLAY AURAND

Conferees on part of House

JIM DENNING

CAROLYN MCGINN

Conferees on part of Senate

Senator Denning moved the Senate adopt the Conference Committee Report on **SB 19**.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, McGinn, Petersen, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Masterson, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Tyson.

The Conference Committee Report was adopted.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Madam President: Kansas has a vital interest in limiting state debt and that of local governments. High debt levels can harm bond ratings, increasing borrowing costs and taxes. Good policy also ensures that as many education dollars as possible be used for classroom instruction. **SB 19** prioritizes classroom spending and fiscal prudence by empowering the State Board to limit total district indebtedness to current levels. Fast growing districts, those whose buildings have safety concerns, and ones that have not issued bonds for 25 years will keep priority for debt financing to build and renovate facilities. I vote yes.—JIM DENNING

Madam President: We vote “no” on **SB 19**. Addressing the Court’s concern over adequacy doesn’t require additional overall funding. It requires that funding be allocated to benefit the students at risk of not achieving state outcomes. This bill does nothing to ensure that the allocation of funds, once appropriated, will actually benefit those children. There’s no accountability. The State is held accountable; why not the schools, whose teachers and leaders deliver the education product? What good is having the Legislature “reasonably calculate” an amount if there’s no accountability built in to ensure the schools’ allocation of resources is “reasonably calculated” to achieve results? Our constituents deserve better.—MARY PILCHER-COOK

Senators Fitzgerald and Senator Masterson request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on **SB 19**.

Madam President: While I like the increase in base state aid and the changes to at-risk and ELL weightings, I still count 11 equity violations and 4 adequacy violations. This bill benefits property rich districts and not those who need it most. It doesn't do enough for our rural and urban schools unless they raise their own taxes. We can stick our head in the sand and hope the Court does what we want - give us more time if we don't get it right this time. But we have known about these things since the ruling in March and 2 years of the unconstitutional Block grants. Many in this room have dismissed this as a concern but the State has lost that bet the last 11 times. It's wrong to put our kids, schools and communities through this. I vote no.—LYNN ROGERS

Senators Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 19**.

Madam President: I have serious concerns about this bill but I am a reluctant yes. I am voting yes so that our districts can begin preparing for the next school year. Not knowing is more harmful and our school boards need to set their budgets. I believe we

will see this again and hopefully then we will address these concerns and craft a better bill.—DINAH SYKES

Senators Kelly, Skubal and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 19**.

CONSTITUTIONAL PROTEST

Protest of Senate Hensley

Against the Conference Committee Report for Senate Bill 19

June 5, 2017

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest **the Conference Committee Report for Senate Bill 19 ("CCR for SB 19")**.

The Kansas Constitution in Article 6, Section 6, subsection (b) provides "[t]he legislature shall make suitable provision for the finance of the educational interests of the state." Over the last 30 years the Kansas Supreme Court has heard several lawsuits challenging the legislature's failure to meet this constitutional obligation. The Court has identified two basic constitutional requirements in school finance cases, equitable distribution of funds reasonably calculated to meet each child's educational needs and adequate funding so that schools can meet the demands placed upon them.

On March 2, 2017, the Kansas Supreme Court issued its decision in *Gannon v. State of Kansas (Gannon IV)* and found that "[u]nder the facts of this case, the state's public education financing system provided by the legislature for grades K-12, through its structure and implementation, is not reasonably calculated to have all Kansas public education students meet or exceed the . . . *Rose* standards . . . presently codified in K.S.A. 2016 Supp. 72-1127." The Court further directed that "[o]nce a new financing system is enacted, the State will have to satisfactorily demonstrate to this court by June 30, 2017, that its proposed remedy is reasonably calculated to address the constitutional violates identified, as well as comports with previously identified constitutional mandates such as equity."

The CCR for SB 19 fails to satisfy both the adequacy and equity requirements of the Kansas Constitution in several significant areas.

1. **Adequate funding.** CCR for SB 19 provides only \$294 million in new K-12 money in the next two school years. This means the per pupil amount will only grow from \$4,006 to \$4,128 over that same period. While this is an increase in base state aid from what was provided in CLASS, it falls far short of achieving the high-water mark of \$4,400 in the 2008-2009 school year, meaning that five years from now we will still be below where we were eight years ago.

In finding that student achievement demonstrated in CLASS's implementation was not reasonably calculated to meet the *Rose* standards, the Court found a correlation between funding and achievement and noted CLASS's unconstitutionality was due to underfunding. The Court further instructed that actual costs remain a valid factor to be considered in determining constitutional adequacy under Article 6 and instructed the state to not ignore the legislatively commissioned cost studies in creating a remedy.

The Kansas State Board of Education has recommended \$893 million in new money over the same period as funded in the CCR for SB 19. The cost studies commissioned by the legislature estimated a need for \$1.4 billion of new money for K-12. By whatever

measurement used, it is clear that CCR for SB 19 is woefully inadequate in funding for our schools which puts us in clear violation of the Kansas Constitution.

2. **At-Risk 10% Floor.** The 10% at-risk floor contained in this report provides \$2 million a year in additional money for two school districts while many other districts with more at-risk students than free-lunch students do not get extra funds for their at-risk students. There is no cost-based reasoning for this funding and its implementation is structurally flawed. This is both an adequacy and equity violation.

3. **High Density At-Risk.** The high-density at-risk student weighting provides that when the enrollment of a school or school district is at least 50% at-risk students, the school or school district will receive a high-density at-risk weighting equal to 10.5 percent of the at-risk students of the district. The change to a school level as opposed to the school district level provides \$1.9 million in additional funding to two school districts while leaving roughly half of the other school districts with nothing. This is structurally flawed as it provides supports to individual schools as opposed to school districts as a whole. This is an adequacy violation.

4. **Ancillary School Facilities Weighting.** The Ancillary weighting allows districts to acquire additional money to defray the costs associated with commencing the operation of new facilities. It benefits primarily five districts with \$24 million additional local funding that is not equalized.

5. **Declining Enrollment Weighting.** The Declining Enrollment weighting is allowed for two districts. These districts will be able to raise \$3.7 million from increases in their LOB above 31%. Low valuation districts are not able to access these funds which results in inequity.

6. **Cost-of-Living Weighting.** The Cost-of-Living Weighting will allow for six districts to raise \$20 million in unequalized local funding while 21 districts qualify for it. The inclusion of the protest petition also means that not all qualifying districts will be able to access the funds.

7. **Extraordinary Declining Enrollment.** CCR for SB 19 provides \$2,593,452 in one-time money for school districts with extraordinary declining enrollment. There is no cost-based reasoning for this funding making it difficult to defend based on equity.

8. **Local Option Budget.** Prior Local Option Budget authorization is grandfathered in this report providing 44 districts an extra \$30 million in funding due to an additional 3% of LOB authority without an election while other school districts will be required to obtain taxpayer approval for an increase in their LOB. There is no cost-based reasoning for this funding making it difficult to defend based on equity.

9. **Local Option Budget Equalization.** LOB equalization changes create inequity by changing the assessed valuation per pupil (AVPP) from calculating on current year to using prior year numbers, then after FY 2019 changes again to an average of the prior three years. This method will delay equalization to districts with declining AVPP and allows some districts with increasing AVPP to retain unwarranted equalization money.

10. **Artificial Local Option Budget Base Aid.** The Artificial Local Option Budget Base Aid allows for the use of a base aid amount of \$4,490 for purposes of calculating the LOB authority for local school districts if the base aid is less than \$4,490. This artificial number has been indexed beginning in the 2019-2020 school year using a 3-year rolling average CPI. Meaning the actual base aid will never catch-up to the artificial base used for calculating LOB authority. This lacks any cost-based reasoning and is inequitable.

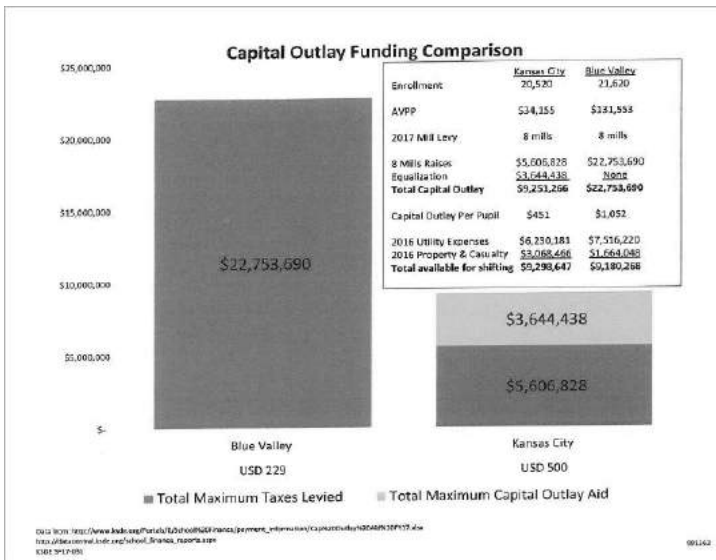
11. **Capital Outlay Equalization.** Capital Outlay Equalization changes operate in the same manner as LOB equalization and will result in the same inequity.

12. **Expansion of Capital Outlay Fund Usage.** The Capital Outlay Fund usage has been expanded for the addition of utility expenses and property and casualty insurance which creates a major equity violation. Property and Casualty Insurance expenses are approximately \$35 million statewide while utility expenses are approximately \$106 million statewide. The inclusion of both of these in Capital Outlay would be an expansion by 53%. Expanding the use of a wealth limited fund allows districts with high wealth to shift vastly more operating expenditures into capital outlay, freeing up their general fund or LOB for offering additional educational opportunities to their students. Districts with lower wealth will not have the same ability to shift expenditures as wealthy districts.

13. **Miscellaneous Problems.**

a. **Tax Credit for Low Income Students Scholarship.** This program is now expanded to individuals and LLCs to take advantage of the tax credit. This program contributes nothing to solve the adequacy problem while draining resources away from the state general funds needed to meet constitutional responsibilities.

b. **Virtual Schools.** Virtual Schools continue despite having little to no data showing contribution to the outcomes necessary to meet constitutional responsibilities. For those reasons, it is clear that the CCR for **SB 19** does not meet the constitutional requirements of the *Gannon* decision. This is in no way constitutional or acceptable for the school children of Kansas. – ANTHONY HENSLEY



MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **SB 30**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 30**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 30** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 12;

On page 13, by striking all in lines 1 through 32, following line 32, by inserting:

"New Section 1. (a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 12.5% for tax year 2018; an amount equal to 18.75% for tax year 2019; and an amount equal to 25% for tax year 2020, and all tax years thereafter, of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to 26 U.S.C. § 21 for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

(b) The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law.

(c) No credit provided under this section shall be allowed to any individual who fails to provide a valid social security number issued by the social security administration, to such individual, the individual's spouse and every dependent of the individual.

Sec. 2. K.S.A. 2016 Supp. 12-17,165 is hereby amended to read as follows: 12-17,165. (a) When a city or county proposes to establish a STAR bond project district, within an eligible area, the city or county shall adopt a resolution stating that the city or county is considering the establishment of a STAR bond project district. Such resolution shall:

(1) Give notice that a public hearing will be held to consider the establishment of a STAR bond project district and fix the date, hour and place of such public hearing;

(2) describe the proposed boundaries of the STAR bond project district;

(3) describe the STAR bond project district plan;

(4) state that a description and map of the proposed STAR bond project district are available for inspection at a time and place designated; and

(5) state that the governing body will consider findings necessary for the establishment of a STAR bond project district.

Notice shall be given as prescribed in ~~subsection (f)(2)~~ of K.S.A. 2016 Supp. 12-17,166(f)(2), and amendments thereto.

(b) The city or county shall submit the proposed STAR bond project district to the secretary for a determination that the district is an eligible area as defined in K.S.A. 2016 Supp. 12-17,162, and amendments thereto.

(c) Upon the conclusion of the public hearing, and a finding by the secretary that the proposed project district is an eligible area, the governing body of the municipality shall pass an ordinance or resolution.

(1) An ordinance or resolution for a STAR bond project district shall:

(A) Make findings that the STAR bond project district proposed to be developed is an historic theater, or a STAR bond project as defined in K.S.A. 2016 Supp. 12-17,162, and amendments thereto;

(B) contain a STAR bond project district plan that identifies all of the proposed STAR bond project areas and identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each STAR bond project area. The boundaries of such STAR bond project district shall not include any area not designated in the notice required by subsection (a); and

(C) contain the legal description of the STAR bond project district and may establish the STAR bond project district.

(2) If no ordinance or resolution is passed by the city or county within 30 days from the conclusion of the public hearing, then such STAR bond project district shall not be established.

(d) The governing body of a city or county may establish a STAR bond project district within that city or such city may establish a district inclusive of land outside the boundaries of the city or wholly outside the boundaries of such city upon written consent of the board of county commissioners. Prior to providing written consent, the board of county commissioners must provide notice and hold a hearing as is required of a city pursuant to subsection (a) for the establishment of a STAR bond project district.

The governing body of a county may establish a STAR bond project district within the unincorporated area of the county.

(e) One or more STAR bond projects may be undertaken by a city or county within a STAR bond project district after such STAR bond project district has been established in the manner provided by this section.

(f) No privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of K.S.A. 2016 Supp. 12-17,160 et seq., and amendments thereto, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the STAR bond project district required by subsection (a) that the proposed STAR bond project district will have an adverse effect on such county or school district. The board of county commissioners or board of education shall deliver a copy of such resolution to the city or county. The city or county shall within 30 days of receipt of such resolution pass an ordinance or resolution dissolving the STAR bond project district. The provisions of this subsection shall not apply if the STAR bond project plan provides that ad valorem property tax revenues of the county or the school district levying taxes on such property

will not be adversely impacted.

(g) A STAR bond project shall not include a project for a gambling casino.

(h) No new STAR bond project district may be established from the effective date of this act through July 1, 2018, except that, for STAR bond project districts established prior to the effective date of this act, the foregoing shall not prohibit a city or county from utilizing all provisions of the STAR bonds financing act, including, but not limited to, K.S.A. 2016 Supp. 12-17,171, and amendments thereto.

Sec. 3. K.S.A. 2016 Supp. 12-17,179 is hereby amended to read as follows: 12-17,179. (a) A city that created a redevelopment district in an eligible area that was approved for STAR bonds prior to the effective date of this act for the city of Manhattan Discovery Center on December 28, 2006, and the Schlitterbahn project in Wyandotte county on December 23, 2005, may by ordinance elect to have the provisions of this act applicable to such redevelopment district.

(b) The provisions of this act regarding STAR bond projects shall expire on and after July 1, ~~2017~~ 2020.

Sec. 4. K.S.A. 2016 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

(A) For tax year 2012:

If the taxable income is:.....	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

If the taxable income is:.....	The tax is:
Not over \$30,000	3.0% of Kansas taxable income
Over \$30,000	\$900 plus 4.9% of excess over \$30,000

(C) For tax year 2014:

If the taxable income is:.....	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.8% of excess over \$30,000

(D) For tax years 2015; and 2016 ~~and 2017~~:

If the taxable income is:.....	The tax is:
Not over \$30,000	2.7% of Kansas taxable income
Over \$30,000	\$810 plus 4.6% of excess over \$30,000

(E) For tax year ~~2018, and all tax years thereafter~~ 2017:

If the taxable income is:	The tax is:
Not over \$30,000	2.6% <u>2.9%</u> of Kansas taxable income
Over \$30,000 but not over \$60,000	\$780 <u>\$870</u> plus 4.6% <u>4.9%</u> of excess over \$30,000
Over \$60,000 ..	<u>\$2,340 plus 5.2% of excess over \$60,000</u>

(F) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$30,000	3.1% of Kansas taxable income
Over \$30,000 but not over \$60,000	<u>\$930 plus 5.25% of excess over \$30,000</u>
Over \$60,000	<u>\$2,505 plus 5.7% of excess over \$60,000</u>

(2) *All other individuals.*

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000

(B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$15,000	3.0% of Kansas taxable income
Over \$15,000	\$450 plus 4.9% of excess over \$15,000

(C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$15,000	2.7% of Kansas taxable income
Over \$15,000	\$405 plus 4.8% of excess over \$15,000

(D) For tax years 2015; ~~and 2016 and 2017~~:

If the taxable income is:	The tax is:
Not over \$15,000	2.7% of Kansas taxable income
Over \$15,000	\$405 plus 4.6% of excess over \$15,000

(E) For tax year ~~2018, and all tax years thereafter~~ 2017:

If the taxable income is:	The tax is:
Not over \$15,000	2.6% <u>2.9%</u> of Kansas taxable income
Over \$15,000 but not over \$30,000	\$390 <u>\$435</u> plus 4.6% <u>4.9%</u> of excess over \$15,000
Over \$30,000	<u>\$1,170 plus 5.2% of excess over \$30,000</u>

(F) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000	3.1% of Kansas taxable income

Over \$15,000 but not over \$30,000.....	\$465 plus 5.25% of excess over \$15,000
Over \$30,000.....	\$1,252.50 plus 5.7% of excess over \$30,000

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;

(B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and

(C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in subsection (a)(2) hereof.

~~(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2016 Supp. 79-32,269, and amendments thereto.~~

~~(f) Notwithstanding the provisions of subsections (a) and (b); (1) For tax-year years 2016, and all tax years thereafter and 2017, married individuals filing joint returns with taxable income of \$12,500 or less, and all other individuals with taxable income of \$5,000 or less, shall have a tax liability of zero; and (2) for tax year 2018, and all tax years thereafter, married individuals filing joint returns with taxable income of \$5,000 or less, and all other individuals with taxable income of \$2,500 or less, shall have a tax liability of zero.~~

~~(f) No taxpayer shall be assessed penalties and interest arising from the underpayment of taxes due to changes to the rates in subsection (a) that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.~~

Sec. 5. K.S.A. 2016 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. 2016 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. 2016 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. 2016 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2016 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2016 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. 2016 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. 2016 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. 2016 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. 2016 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 all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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. 2016 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent

included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2016 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of

any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For ~~all~~ 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. 2016 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 ~~all~~ 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 ~~all~~ 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 ~~all~~ 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. 6. K.S.A. 2016 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) 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.

(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) 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) 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) 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. 2016 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. 7. K.S.A. 2016 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in ~~subsection (b) of~~ 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. 2016 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. 2016 Supp. 65-6731,

and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2016 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. 2016 Supp. 72-99a07, 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 ~~subsection (c) of 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. 2016 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto;

(iv) for all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code; and

(v) for all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under ~~paragraph (iv) of subsection (b) of 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) of K.S.A. 79-32,138, and amendments thereto~~, and subtraction modifications as provided for in ~~subsection (c)(iii) of K.S.A. 79-32,138, and~~

~~amendments thereto~~, as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

Sec. 8. K.S.A. 2016 Supp. 12-17,165, 12-17,179, 79-32,110, 79-32,117, 79-32,120, 79-32,138 and 79-32,269 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the stricken material; by striking all in lines 2 and 3; in line 4, by striking all before the period, and inserting "taxation; relating to sales and compensating use tax, collection and distribution thereof, STAR bonds; income taxation, determination of Kansas adjusted gross income, modifications, rates, itemized deductions and credits; amending K.S.A. 2016 Supp. 12-17,165, 12-17,179, 79-32,110, 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269";

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

STEVEN JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

Senator Tyson moved the Senate adopt the Conference Committee Report on **SB 30**.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CHANGE IN CONFERENCE

The Vice President announced the appointment of Senator Hilderbrand to replace Senator Olson as a member of the Conference Committee on **HB 2409**.

REPORT ON ENROLLED BILLS

SR 1755, **SR 1756** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 5, 2017.

On motion of Senator Denning, the Senate adjourned until 2:00 p.m., Tuesday, June 6, 2017.

Journal of the Senate

EIGHTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, June 6, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Senator Holland delivered the invocation:

Dear Heavenly Creator, the women and men in this Kansas Senate have been blessed with a tremendous privilege and responsibility. We are collectively tasked to provide good stewardship for this bountiful and beautiful state we love and call Kansas. Yet as we toil in this historic chamber to craft solutions that meet our constituents' needs, our own human frailties cause us to struggle. At times our ignorance, arrogance, fears, and restlessness sidetrack our work, leading us astray from doing those good deeds required to realize Your chosen path for our great state and nation. Today, we humbly come before You and ask you for good sense and principled decision-making. We come before you and ask for modesty. We come before you and ask for courage. We come before you and ask for patience. And with Your divine strength, may we go forth in our work here today, hopeful that not only will our efforts be of great benefit to our fellow citizens but ultimately pleasing to You as well. Amen

The Pledge of Allegiance was led by Vice President Longbine.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub SB 198**.

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.

On motion of Senator Bowers the following report was adopted:

The committee report on **SB 198** recommending **Sub SB 198** be adopted, and the substitute bill be passed.

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 198** was advanced to Final Action and roll call.

Sub SB 198, AN ACT concerning the department of revenue; relating to persons with access to federal tax information, fingerprinting; driver's license examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015 and repealing the existing section.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Baumgardner, Hilderbrand, Tyson.

Absent or Not Voting: Masterson, Olson.

The substitute bill passed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Sub HB 2230** 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 10 through 34;

By striking all on pages 2 through 5;

On page 6, by striking line 1; following line 1, by inserting:

"New Section 1. (a) Notwithstanding any other provision in this act, any person who purchases, possesses, uses or consumes more than 400 cigarettes in this state without the required tax indicia being affixed as herein provided shall be liable for the tax imposed by this act.

(b) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

New Sec. 2. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this act:

(a) "Conviction" or "convicted" includes being convicted of a violation of this act or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this act;

(b) "conviction" or "convicted" includes being convicted of a violation of a law of another state or the United States, which prohibits the acts that this act prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law;

(c) only convictions occurring in the immediately preceding five years beginning on July 1, 2017, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense, whichever is applicable; and

(d) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(e) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 3. K.S.A. 2016 Supp. 79-3301 is hereby amended to read as follows: 79-3301. As used in K.S.A. 79-3301 et seq., and amendments thereto:

(a) "Act" means the Kansas cigarette and tobacco products act.

(b) "Carrier" means one who transports cigarettes from a manufacturer to a wholesale dealer or from one wholesale dealer to another.

~~(c)~~ "Carton" means the container used by the manufacturer of cigarettes in which no more than 10 packages of cigarettes are placed prior to shipment from such manufacturer.

~~(d)~~ "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco.

~~(e)~~ "Conspicuous location or place" means a location or place available to the general public.

(f) "Consumer" means the person purchasing or receiving cigarettes or tobacco products for final use.

~~(g)~~ "Contracting entity" means any public or private person, firm or entity that has entered into a contract with the secretary of revenue to provide services.

(h) "Dealer" means any person who engages in the sale or manufacture of cigarettes, tobacco products or electronic cigarettes in the state of Kansas, and who is required to be licensed under the provisions of this act.

~~(i)~~ "Dealer establishment" means any location or premises, other than vending machine locations, at or from which cigarettes, tobacco products or electronic cigarettes are sold, and where records are kept.

~~(j)~~ "Director" means the director of taxation.

~~(k)~~ "Distributor" means: (1) Any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from outside the state any tobacco products for sale;

(2) any person who makes, manufactures, fabricates or stores tobacco products in this state for sale in this state; or

(3) any person engaged in the business of selling tobacco products outside this state who ships or transports tobacco products to any person in the business of selling tobacco products in this state.

~~(l)~~ "Division" means the division of taxation.

~~(m)~~ "Electronic cigarette" means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.

(n) "Importer" means the same as provided in 26 U.S.C. § 5702(k).

(o) "License" means the privilege of a licensee to sell cigarettes or tobacco products in the state of Kansas, and the written evidence of such authority or privilege as issued by the director.

~~(p)~~ "Licensee" means any person holding a current license issued pursuant to this act.

~~(h)~~(q) "Manufacturer" means the same as provided in 26 U.S.C. § 5702(d).

(r) "Manufacturer's salesperson" means a person employed by a cigarette manufacturer who sells cigarettes, manufactured by such employer and procured from wholesale dealers.

~~(m)~~ "Meter imprints" means ~~tax indicia applied by means of ink printing machines.~~

~~(s)~~(s) (1) "Package" means a container in which no more than 25 individual cigarettes are wrapped and sealed by the manufacturer of cigarettes prior to shipment to a wholesale dealer;

(2) for the purposes of ~~subsections (u), (v) and (w) of K.S.A. 79-3321(v) and (w), and amendments thereto,~~ "package" means the same as provided in 15 U.S.C. § 1332(4).

~~(t)~~(t) "Person" means any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise and any combination of individuals.

~~(u)~~(u) "Received" means the coming to rest of cigarettes for sale by any dealer in the state of Kansas.

~~(v)~~(v) "Retail dealer" or "retailers" means a person, other than a vending machine operator, in possession of cigarettes or electronic cigarettes for the purpose of sale to a consumer.

~~(w)~~(w) "Sale" means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes ~~or tobacco products,~~ tobacco products or electronic cigarettes, with or without consideration.

~~(x)~~(x) "Sample" means cigarettes or tobacco products distributed to members of the general public at no cost for purposes of promoting the product.

~~(y)~~(y) "Self-service display" means a display that contains cigarettes or tobacco products and is located in an area openly accessible to a retail dealer's consumers, and from which such consumers can readily access cigarettes or tobacco products without the assistance of a salesperson, and which is knowingly utilized by the retail dealer to market and sell cigarettes and tobacco products to consumers. A display case that holds cigarettes or tobacco products behind locked doors does not constitute a self-service display.

~~(z)~~(z) "Stamps" means tax indicia applied ~~either by means of water applied gummed paper or heat process,~~ pressure or any other process approved by the director.

~~(aa)~~(aa) "Tax indicia" means visible evidence of tax payment in the form of stamps ~~or meter imprints.~~

~~(bb)~~(bb) "Tobacco products" means cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products do not include cigarettes.

~~(cc)~~(cc) "Tobacco speciality specialty store" means a dealer establishment that derives at least ~~75~~ 65% of such dealer establishment's revenue from cigarettes or tobacco products.

~~(dd)~~(dd) "Vending machine" means any coin operated machine, contrivance or

device, by means of which merchandise may be sold.

~~(z)~~(cc) "Vending machine distributor" means any person who sells cigarette vending machines to a vending machine operator operating vending machines in the state of Kansas.

~~(aa)~~(ff) "Vending machine operator" means any person who places a vending machine, owned, leased or operated by such person, at locations where cigarettes are sold from such vending machine. The owner or lessee of the premises upon which a vending machine is placed shall not be considered the operator of the machine, nor shall the owner or lessee, or any employee or agent of the owner or lessee be considered an authorized agent of the vending machine operator, if the owner or lessee does not own or lease the machine and the owner's or lessee's sole remuneration from the machine is a flat rental fee or commission based upon the number or value of cigarettes sold from the machine, or a combination of both.

~~(bb)~~(gg) "Wholesale dealer" means any person who sells cigarettes to other wholesale dealers, retail dealers, vending machine operators and manufacturer's salespersons for the purpose of resale in the state of Kansas.

~~(ee)~~(hh) "Wholesale sales price" means the original net invoice price for which a manufacturer sells a tobacco product to a distributor, as shown by the manufacturer's original invoice.

~~(dd)~~ "Importer" means the same as provided in 26 U.S.C. § 5702(l).

~~(ee)~~ "Manufacturer" means the same as provided in 26 U.S.C. § 5702(d).

~~(ff)~~ "Electronic cigarette" means a battery powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.

Sec. 4. K.S.A. 2016 Supp. 79-3302 is hereby amended to read as follows: 79-3302.

(a) K.S.A. 79-3301 through 79-3304, 79-3306, 79-3309, 79-3310, 79-3311, 79-3312, 79-3312a, 79-3313, 79-3316, 79-3321, 79-3322, 79-3323, 79-3324a, 79-3326, 79-3328, 79-3329, 79-3333, 79-3335, 79-3371, 79-3373, 79-3374, 79-3375, 79-3377, 79-3378, 79-3379, 79-3387, 79-3388, 79-3391, 79-3392, 79-3393, 79-3394 and K.S.A. 2016 Supp. 79-3395 through ~~79-3398, 79-3399~~, section 1, section 2 and section 24, and amendments thereto, shall be known and may be cited as the Kansas cigarette and tobacco products act.

(b) It is the purpose and intent of this act to regulate the sale of cigarettes and tobacco products in this state and to impose a tax thereon.

Sec. 5. K.S.A. 2016 Supp. 79-3303 is hereby amended to read as follows: 79-3303.

(a) Each person engaged in the business of selling cigarettes or electronic cigarettes in the state of Kansas and each vending machine distributor shall obtain a license as provided by this act. A separate application, license and fee is required for each dealer establishment owned or operated by a dealer. A vending machine operator is required to obtain a vending machine operator's master license and, in addition, a separate permit for each vending machine operated by the operator. A vending machine operator may submit one application for the vending machine operator's master license and all permits for vending machines operated by the operator. The license shall be displayed in the dealer establishment and the vending machine permit shall remain securely and visibly attached to the vending machine and contain such information as the director may require. Any vending machine found without such permit attached to the machine

shall be sealed by an agent of the director and such seal shall be removed only by an agent of the director after payment of the permit fee and the penalties provided by this act.

(b) The application for a vending machine operator's master license and vending machine permits shall list the brand name and serial number of each machine and such other information as required by the director. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the division to divulge or make known in any way the location of any vending machine to any person not an officer or employee of the division or contracting entity of the division, where the division has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality, except that such information may be divulged to any law enforcement officer for use in the officer's official duties. Any officer ~~or~~ employee or contracting entity revealing any such location in violation of this provision, in addition to the penalties otherwise provided in this act, shall be dismissed from office.

(c) A vending machine operator, in the course of business as a vending machine operator, may dispose of or sell vending machines without securing a license to sell vending machines. The vending machine operator may move vending machines from one location to another and, if a vending machine becomes inoperative or is disposed of, the permit for such machine may be transferred to another machine. A vending machine operator, within 10 days, shall notify the director of the brand name and serial number of vending machines that become inoperative or that the operator disposes of, sells, acquires or brings into service in this state as additional machines.

(d) The key to the lower or storage compartment of a vending machine shall remain only in the possession of the vending machine operator or the operator's authorized agent. All services connected with the operation of a vending machine shall be performed by the vending machine operator or the operator's authorized agent. All vending machines shall be subject to inspection by the director or the director's authorized agents. No permit shall be issued for a vending machine unless it is constructed so that at least one package of each vertical column of cigarettes located therein is visible showing tax indicia.

(e) All vending machines operated on military installations shall have a permit affixed to the machines and the cigarettes shall show tax indicia of the Kansas tax.

(f) On or before the 10th day of each month, each vending machine distributor shall report to the director, on forms provided by the director, all sales of cigarette vending machines by the distributor to persons in the state of Kansas during the preceding month; the name and address of the purchaser; and the brand name, serial number and sale price of the machines.

(g) Concurrently with a change in ownership of a dealer establishment the license applicable to the establishment is void and shall be surrendered to the director and shall not be transferred. On removal of a dealer establishment from one location to another, the owner of the establishment shall notify the director and surrender the owner's license. The director shall issue a new license for the unexpired term of the surrendered license on payment of a fee of \$2. If a dealer's license is lost, stolen or destroyed, the director may issue a new license on proof of loss, theft or destruction, at a cost of \$2. The director shall remit all moneys received 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 in the state treasury to the credit of the state general fund.

Sec. 6. K.S.A. 79-3304 is hereby amended to read as follows: 79-3304. (a) The license fee for each biennium or portion thereof shall be as follows:

- (1) For retail dealer's license, \$25 for each dealer establishment.
 - (2) For retailer's license on railroad or sleeping cars, \$50. Only one retail license need be obtained by each railroad or sleeping car company to permit the sale of cigarettes on any or all of its cars within the state.
 - (3) For show, carnival or catering license, \$50 for each concession.
 - (4) For resident retail dealer's temporary license for a place of business of a temporary nature, \$2 for each seven days or portion thereof.
 - (5) For wholesale dealer's license, \$50 for each dealer establishment. No wholesale dealer's license shall be issued until the person applying therefor has filed with the director a bond payable to the state of Kansas in such an amount as shall be fixed by the director, but in no event less than \$1,000, with a corporate surety authorized to do business in the state of Kansas, and approved by the director. If a wholesale dealer is unable to secure a corporate surety bond, the director may issue a license to such wholesale dealer, upon the wholesale dealer furnishing a personal bond meeting the approval of the director. Such bond shall be conditioned on the wholesale dealer's compliance with all the provisions of this act during the license period.
 - (6) For vending machine distributor's license, \$50.
 - (7) For manufacturer's salesperson license, \$20 for each salesperson. The manufacturer's salesperson shall, with respect to each sale made to a retail dealer, make and deliver to the retail dealer a true invoice wherein such salesperson shall insert the name of the wholesale dealer from whom such salesperson secured such cigarettes, together with such salesperson's own name and the name of the retail dealer purchasing the cigarettes.
 - (8) For vending machine operator's license, no fee.
 - (9) For vending machine permit, \$25 for each permit.
- (b) An application for any license required under the provisions of this act may be refused to: (1) A person who is not of good character and reputation in the community in which such person resides; or (2) a person who has been convicted of a felony or of any crime involving moral turpitude or of the violation of any law of any state or the United States pertaining to cigarettes or tobacco products and who has not completed the sentence, parole, probation or assignment to a community correctional services program imposed for any such conviction within two years immediately preceding the date of making application for any of such licenses.
- (c) The director may refuse to issue or renew a license to any person who:
- (1) Has been convicted on or after January 1, 2013, of a felony under the laws of this state or any other state or the United States;
 - (2) is not current in the payment of any tax or fine under this act;
 - (3) has had a cigarette license revoked in this state or any other state;
 - (4) is not at least 18 years of age;
 - (5) intends to carry on the business as an agent of another;
 - (6) at the time of application for renewal of any license issued under this act, would not be eligible for the license upon first application;
 - (7) does not own the premises for which a license is sought, or does not, at the time

of the application, have a written lease;

(8) has been convicted of a crime involving any tax under this act;

(9) is a corporation in which any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:

(A) Has had a license revoked under this act; or

(B) has been convicted of a crime involving any tax under this act; or

(10) is a limited liability company in which any officer, manager or director thereof, or any member owning in the aggregate more than 5% of the limited liability company, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:

(A) Has had a license revoked under this act; or

(B) has been convicted of a crime involving any tax under this act.

Sec. 7. K.S.A. 79-3309 is hereby amended to read as follows: 79-3309. (a) Whenever the director has reason to believe that any person licensed under this act has violated any of the provisions of this act, in any of the following ways, the director shall notify the person by certified mail of the director's intention to suspend or revoke the person's license or licenses, if the person:

(1) Has been convicted on or after January 1, 2013, of a felony under the laws of this state or any other state or the United States;

(2) is not current in the payment of any tax or fine under this act;

(3) has had a cigarette license revoked in this state or any other state;

(4) is not at least 18 years of age;

(5) intends to carry on the business as an agent of another;

(6) at the time of application for renewal of any license issued under this act, would not be eligible for the license upon first application;

(7) does not own the premises for which a license is sought, or does not, at the time of the application, have a written lease;

(8) has been convicted of a crime involving any tax under this act;

(9) in the case of a corporation, any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:

(A) Has had a license revoked under this act; or

(B) has been convicted of a crime involving any tax under this act; or

(10) in the case of a limited liability company, any officer, manager or director thereof, or any member owning in the aggregate more than 5% of the limited liability company, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:

(A) Has had a license revoked under this act; or

(B) has been convicted of a crime involving any tax under this act.

(b) Within ~~40~~ 30 days after the mailing of the notice, the person may request a hearing in writing before the director. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If, after such hearing, it appears to the satisfaction of the director that the person has violated any of the provisions of this act, the director is hereby authorized and empowered to suspend or

revoke the person's license or licenses and may in addition deny the application of the person for a license or licenses for a portion of the succeeding calendar year for such period as the director determines is necessary, but in no case for a period ending more than one year following the date upon which the license or licenses were suspended or revoked. The suspension or revocation of a vending machine operator's master license shall suspend or revoke all vending machine permits issued to the vending machine operator for the term of the license suspension or revocation.

~~(b)~~(c) If a person continues to engage in activities requiring a license under this act after having notice or knowledge of the suspension or revocation of the person's license or licenses or after becoming more than 10 days delinquent in filing a bond payable to the state of Kansas as required by the director, payment of any fine, tax, penalty or interest imposed pursuant to this act, the state shall be entitled, in any proceedings brought for such purposes, to have an order and judgment restraining and enjoining such unlawful sale and no bond shall be required for the issuance of any such restraining order or injunction.

Sec. 8. K.S.A. 2016 Supp. 79-3311 is hereby amended to read as follows: 79-3311. The director shall design and designate indicia of tax payment to be affixed to each package of cigarettes as provided by this act. ~~The director shall sell water applied stamps only to licensed wholesale dealers in the amounts of 1,000 or multiples thereof. Stamps applied by the heat process shall be sold only in amounts of 30,000 or multiples thereof, except that such stamps which are suitable for packages containing 25 cigarettes each shall be sold in amounts prescribed by the director. Meter imprints shall be sold only in amounts of 10,000 or multiples thereof. Water applied stamps in amounts of 10,000 or multiples thereof and Stamps applied by the heat process and meter imprints shall be supplied to wholesale dealers in good standing with the director at the time of purchase at a discount of 0.55% on and after July 1, 2015, and thereafter, from the face value thereof, and shall be deducted at the time of purchase or from the remittance therefor as hereinafter provided. Any wholesale cigarette dealer who shall file with the director a bond, of acceptable form, payable to the state of Kansas with a corporate surety authorized to do business in Kansas, shall be permitted to purchase stamps, and remit therefor to the director within 30 days after each such purchase, up to a maximum outstanding at any one time of 85% of the amount of the bond. Failure on the part of any wholesale dealer to remit as herein specified shall be cause for forfeiture of such dealer's bond. All revenue received from the sale of such stamps or meter imprints 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. The state treasurer shall first credit such amount as the director shall order to the cigarette tax refund fund and shall credit the remaining balance to the state general fund. A refund fund designated the cigarette tax refund fund not to exceed \$10,000 at any time shall be set apart and maintained by the director from taxes collected under this act and held by the state treasurer for prompt payment of all refunds authorized by this act. Such cigarette tax refund fund shall be in such amount as the director shall determine is necessary to meet current refunding requirements under this act.~~

The wholesale cigarette dealer shall affix to each package of cigarettes stamps ~~or tax meter imprints~~ required by this act prior to the sale of cigarettes to any person, by such dealer or such dealer's agent or agents, within the state of Kansas. The director is

empowered to authorize wholesale dealers to affix revenue tax ~~meter imprints stamps~~ upon original packages of cigarettes and is charged with the duty of regulating the use of tax ~~meters stamps~~ to secure payment of the proper taxes. No wholesale dealer shall affix revenue tax ~~meter imprints stamps~~ to original packages of cigarettes without first having obtained permission from the director to employ this method of affixation. If the director approves the wholesale dealer's application for permission to affix revenue tax ~~meter imprints stamps~~ to original packages of cigarettes, the director shall require such dealer to file a suitable bond payable to the state of Kansas executed by a corporate surety authorized to do business in Kansas. The director may, to assure the proper collection of taxes imposed by the act, revoke or suspend the privilege of ~~imprinting tax meter imprints affixing tax stamps~~ upon original packages of cigarettes. ~~All meters shall be under the direct control of the director, and all transfer assignments or anything pertaining thereto must first be authorized by the director. All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the director. All repairs to the meter are strictly prohibited except by a duly authorized representative of the director. Requests for service shall be directed to the director. Meter machine ink imprints on all packages shall be clear and legible. If a wholesale dealer continuously issues illegible cigarette tax meter imprints, it shall be considered sufficient cause for revocation of such dealer's permit to use a cigarette tax meter.~~

A licensed wholesale dealer may, for the purpose of sale in another state, transport cigarettes not bearing Kansas indicia of tax payment through the state of Kansas provided such cigarettes are contained in sealed and original cartons.

Sec. 9. K.S.A. 2016 Supp. 79-3312 is hereby amended to read as follows: 79-3312. The director shall redeem any unused stamps ~~or meter imprints~~ that any wholesale dealer presents for redemption within six months after the purchase thereof, at the face value less 0.55% thereof if such stamps ~~or meter imprints~~ have been purchased from the director and are whole, complete stamps. The director shall prepare a voucher showing the net amount of such refund due, and the director of accounts and reports shall draw a warrant on the state treasurer for the same. Wholesale dealers shall be entitled to a refund of the tax paid on cigarettes which have become unfit for sale upon proof thereof less 0.55% of such tax.

Sec. 10. K.S.A. 2016 Supp. 79-3316 is hereby amended to read as follows: 79-3316. (a) All purchases of cigarettes by any dealer shall be evidenced by an invoice, a duplicate of which shall be furnished to the party receiving the cigarettes from any dealer.

(b) Purchases of cigarettes by wholesale dealers shall be made from the manufacturers of cigarettes or from other Kansas licensed wholesale dealers. Purchases of cigarettes by retail dealers or vending machine operators shall be from wholesale dealers.

(c) All invoices issued by wholesale dealers shall be in duplicate and a copy must accompany the consigned cigarettes. Cigarettes sold by a wholesale dealer to any other dealer shall be evidenced by invoices bearing the vendee's name and license number. A wholesale dealer selling cigarettes to a manufacturer's salesperson shall at the time of delivery of same make a true duplicate invoice, inserting therein the name of the salesman together with the name of such salesperson's employer, except that for an outlet, or fuel outlet or fuel center owned by the same entity, separate invoices are not

required if cigarettes are sold from the fuel outlet owned by the same entity.

(d) All records pertaining to sales of cigarettes by dealers in the state of Kansas shall be preserved for a period of three years and shall be available for inspection by the director or the director's designee at the dealer's place of business or, if the dealer has more than one place of business in the state, at a central location of the dealer.

(e) Every wholesale dealer shall report to the director on or before the 10th day of each month, stating the amount of cigarettes sold during the preceding month and the amount of all cigarettes returned to the manufacturer. Any wholesale dealer who refuses any shipment or part of a shipment of unstamped cigarettes or has a shortage in the shipment of cigarettes consigned to such dealer shall in the monthly report next following the refusal or shortage report to the director the number of packages or cartons of cigarettes refused or short and the name of the carrier from whom the cigarettes were refused or shortage occurred. Such report shall be ~~made on forms provided~~ filed electronically in the manner prescribed by the director ~~and shall contain such other information as the director may require.~~

(f) Exemption from payment of cigarette tax on sale of cigarettes made outside the state by any wholesale dealer shall be filed on forms provided by the director.

Sec. 11. K.S.A. 2016 Supp. 79-3321 is hereby amended to read as follows: 79-3321. It shall be unlawful for any person:

(a) ~~To possess.~~ Except as otherwise specifically provided by this act, to possess, sell, transport, import, distribute, wholesale or manufacture more than ~~200~~ 1,000 cigarettes without the required tax indicia being affixed as herein provided.

(b) To mutilate or attach to any individual package of cigarettes any stamp that has in any manner been mutilated or that has been heretofore attached to a different individual package of cigarettes or to have in possession any stamps so mutilated.

(c) To prevent the director or any officer or agent authorized by law, to make a full inspection for the purpose of this act, of any place of business and all premises connected thereto where cigarettes are or may be manufactured, sold, distributed, or given away.

(d) To use any artful device or deceptive practice to conceal any violation of this act or to mislead the director or officer or agent authorized by law in the enforcement of this act.

(e) Who is a dealer to fail to produce on demand of the director or any officer or agent authorized by law any records or invoices required to be kept by such person.

(f) Knowingly to make, use, or present to the director or agent thereof any falsified invoice or falsely state the nature or quantity of the goods invoiced.

(g) Who is a dealer to fail or refuse to keep and preserve for the time and in the manner required by this act all the records required by this act to be kept and preserved.

(h) To wholesale cigarettes to any person, other than a manufacturer's salesperson, retail dealer or wholesaler who is:

(1) Duly licensed by the state where such manufacturer's salesperson, retail dealer or wholesaler is located; or

(2) exempt from state licensing under applicable state or federal laws or court decisions including any such person operating as a retail dealer upon land allotted to or held in trust for an Indian tribe recognized by the United States bureau of Indian affairs.

(i) To have in possession any evidence of tax indicia provided for herein not purchased from the director.

(j) To fail or refuse to permit the director or any officer or agent authorized by law to inspect a carrier transporting cigarettes.

(k) To vend small cigars, or any products so wrapped as to be confused with cigarettes, from a machine vending cigarettes, nor shall a vending machine be so built to vend cigars or products that may be confused with cigarettes, be attached to a cigarette vending machine.

(l) To sell, furnish or distribute cigarettes, electronic cigarettes or tobacco products to any person under 18 years of age.

(m) Who is under 18 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes or tobacco products.

(n) Who is under 18 years of age to possess or attempt to possess cigarettes, electronic cigarettes or tobacco products.

(o) To sell cigarettes to a retailer or at retail that do not bear Kansas tax indicia or upon which the Kansas cigarette tax has not been paid.

(p) To sell cigarettes without having a license for such sale as provided herein.

(q) To sell a vending machine without having a vending machine distributor's license.

(r) Who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "By law, cigarettes, electronic cigarettes and tobacco products may be sold only to persons 18 years of age and older."

(s) To distribute samples within 500 feet of any school when such facility is being used primarily by persons under 18 years of age unless the sampling is:

(1) In an area to which persons under 18 years of age are denied access;

(2) in or at a retail location where cigarettes and tobacco products are the primary commodity offered for sale at retail; or

(3) at or adjacent to an outdoor production, repair or construction site or facility.

(t) To sell cigarettes, electronic cigarettes or tobacco products by means of a vending machine, including vending machines that sell packaged, single cigarettes, in any establishment, or portion of an establishment, which is open to minors, except that this subsection shall not apply to:

(1) The installation and use by the proprietor of the establishment, or by the proprietor's agents or employees, of vending machines behind a counter, or in some place in such establishment, or portion thereof, to which minors are prohibited by law from having access; or

(2) the installation and use of a vending machine in a commercial building or industrial plant, or portions thereof, where the public is not customarily admitted and where machines are intended for the sole use of adult employees employed in the building or plant; ~~or~~

~~(3) a vending machine which has a lock-out device which is inoperable in the continuous standby mode and which requires manual activation by the person supervising the operation of the machine each time cigarettes or tobacco products are purchased from the machine.~~

(u) To sell cigarettes, electronic cigarettes or tobacco products by means of a self-service display in any establishment, except that the provisions of this subsection shall not apply to:

(1) A vending machine that is permitted under subsection (t); ~~or~~

(2) a self-service display that is located in a tobacco specialty store; or

(3) a self-service display located in a facility where the retailer ensures that no person younger than 18 years of age is present or permitted to enter at any time.

(v) To sell or distribute in this state; to acquire, hold, own, possess or transport for sale or distribution in this state; or to import or cause to be imported, into this state for sale or distribution in this state:

(1) Any cigarettes the package of which: (A) Bears any statement, label, stamp, sticker or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed or used in the United States, including but not limited to, labels stating "For Export Only," "U.S. Tax-Exempt," "For Use Outside U.S." or similar wording; or (B) does not comply with: (i) All requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged or imported for sale, distribution or use in the United States, including but not limited to the precise warning labels specified in the federal cigarette labeling and advertising act, 15 U.S.C. § 1333; and (ii) all federal trademark and copyright laws;

(2) any cigarettes imported into the United States in violation of 26 U.S.C. § 5754 or any other federal law, or federal regulations implementing such laws;

(3) any cigarettes that such person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed or used in the United States; or

(4) any cigarettes for which there has not been submitted to the secretary of the U.S. department of health and human services the list or lists of the ingredients added to tobacco in the manufacture of such cigarettes required by the federal cigarette labeling and advertising act, 15 U.S.C. § 1335a.

(w) To alter the package of any cigarettes, prior to sale or distribution to the ultimate consumer, so as to remove, conceal or obscure:

(1) Any statement, label, stamp, sticker or notice described in subsection (v); or

(2) any health warning that is not specified in, or does not conform with, the requirements of, the federal cigarette labeling and advertising act, 15 U.S.C. § 1333.

(x) To affix any stamp required pursuant to K.S.A. 79-3311, and amendments thereto, to the package of any cigarettes described in subsection (v) or altered in violation of subsection (w).

(y) To possess, sell, transport, import, distribute, wholesale or manufacture cigarettes, smokeless tobacco or roll-your-own tobacco in violation of K.S.A. 50-6a01 et seq., and amendments thereto.

(z) To sell cigarettes, smokeless tobacco or roll-your-own tobacco in any manner that is not a direct, face-to-face exchange between the retailer and the consumer, except: (1) Mail-order sales, which shall not include mail-order redemption coupons and distribution of free samples through the mail; (2) vending machines as provided in subsection (t); and (3) self-service displays as provided in subsection (u).

Sec. 12. K.S.A. 2016 Supp. 79-3322 is hereby amended to read as follows: 79-3322. (a) Any person who violates any of the provisions of the Kansas cigarette and tobacco products act, (1) Except as otherwise provided in this act, shall be guilty of a violation of K.S.A. 79-3321(a), (c), (d), (f), (h), (i), (j), (v), (w), (x) or (y), and amendments thereto, is a:

(A) Class A misdemeanor for a first violation, and the offender shall be fined not less than \$1,000 nor more than \$2,500 upon a first conviction;

(B) severity level 6, nonperson felony for a second violation, and the offender shall be fined not less than \$50,000 nor more than \$100,000 upon a second conviction; and

(C) severity level 6, nonperson felony for a third and all subsequent violations, and the offender shall be fined \$100,000 upon a third and all subsequent convictions.

(2) It shall be a defense to prosecution under K.S.A. 79-3321(a), and amendments thereto, that a licensee has: (A) Segregated the cigarettes from public view; (B) marked the cigarettes as not for retail sale to consumers; and (C) within 72 hours of receipt, notified the licensee's wholesale dealer, in writing, that the cigarettes do not bear indicia of Kansas tax and that the wholesale dealer shall remove the cigarettes from the licensee's premises.

(b) Except as provided in subsections (a), (c) or (d), a violation of K.S.A. 79-3321, and amendments thereto, is a class B misdemeanor and upon conviction, an offender shall be punished by a fine of ~~not less than \$500 nor more than \$1,000 or imprisonment~~ not less than \$500 nor more than \$1,000 or imprisonment for not more than one year, ~~or by both for each separate violation.~~ In addition thereto any person found liable for any license fee or tax imposed under the provisions of this act shall be personally liable for such license fee or tax plus a penalty in an amount equal to 100% thereof.

~~(b)(c)~~ (1) It is a class B person misdemeanor punishable by a minimum fine of \$200 for any person to: (A) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (B) buy any cigarettes or tobacco products for any person under 18 years of age.

(2) It shall be a defense to a prosecution under this subsection if: (A) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples; (B) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person under 18 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes or tobacco products; and (C) to purchase or receive the cigarettes or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes or tobacco products.

(3) It shall be a defense to a prosecution under this subsection if: (A) The defendant engages in the lawful sale, furnishing or distribution of cigarettes or tobacco products by mail; and (B) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, and amendments thereto, that the person was 18 or more years of age.

(4) For purposes of this subsection the person who violates this subsection shall be the individual directly selling, furnishing or distributing the cigarettes or tobacco products to any person under 18 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

~~(e)(d)~~ Violation of ~~subsection (m) or (n)~~ of K.S.A. 79-3321(m) or (n), and amendments thereto, is a cigarette or tobacco infraction for which the fine is \$25. In addition, the judge may require the juvenile to appear in court with a parent or legal guardian.

~~(e)(c)~~ Any agent, employees or others who aid, abet or otherwise participate in any way in the violation of the Kansas cigarette and tobacco products act or in any of the offenses hereunder punishable shall be guilty and punished as principals to the same extent as any person violating this act.

(f) The secretary of revenue or the secretary's authorized agent may refer such evidence as may be available concerning violations of this act or any rules and regulations or order hereunder to the attorney general or the proper county or district attorney, who may in the prosecutor's discretion, with or without such a reference, institute the appropriate criminal proceedings under this act. Upon receipt of such reference, the attorney general or the county attorney or district attorney may request that a duly employed attorney of the department of revenue prosecute or assist in the prosecution of such violation or violations on behalf of the state. Upon approval of the secretary or the secretary's authorized agent, such employee shall be appointed a special prosecutor for the attorney general or the county attorney or district attorney to serve without compensation from the attorney general or the county attorney or district attorney. Such special prosecutor shall have all the powers and duties prescribed by law for assistant attorneys general or assistant county or district attorneys and such other powers and duties as are lawfully delegated to such special prosecutor by the attorney general or the county attorney or district attorney. If an attorney employed by the secretary or secretary's authorized agent acts as a special prosecutor, the secretary may pay extradition and witness expenses associated with the case.

Sec. 13. K.S.A. 79-3323 is hereby amended to read as follows: 79-3323. (a) Except as provided in subsection (c), the following are declared to be common nuisances and contraband:

(1) All packages of cigarettes, in quantities of 20 packages or more, not bearing indicia of tax payment as required in this act and all devices for vending cigarettes in which unstamped packages are found;

(2) all packages of cigarettes, in quantities of 20 packages or more, not bearing indicia of tax payment as required by any compact between:

(A) The governor and the Prairie Band Potawatomi Nation and approved by the legislature; (B) the governor and the Iowa Tribe of Kansas and Nebraska and approved by the legislature; (C) the governor and the Kickapoo Tribe in Kansas and approved by the legislature; or (D) the governor and the Sac and Fox Nation of Missouri in Kansas and Nebraska and approved by the legislature;

~~(4)(3) all cigarettes or tobacco products in the possession of a minor; and~~

(4) cigarettes, smokeless tobacco or roll-your-own tobacco in violation of K.S.A. 50-6a01 et seq., and amendments thereto; and

~~(3)(5) all property, other than including vehicles, used in the retail sale, transportation, distribution, importation, wholesale or manufacture of unstamped packages of cigarettes.~~

Cigarettes in vending machines and exposed to view not showing indicia of tax payment required by this act to be visible from the outside of the vending machine shall be presumed to be unstamped.

(b) Any cigarettes or property constituting a common nuisance and contraband as provided by this section may be seized by the director or the director's authorized agent or any duly constituted peace officer with or without process or warrant and shall be subject to forfeiture as provided in this act. The party making the seizure shall deliver to the owner of the property and to the person or persons found in possession of the property a receipt stating from whom the property was seized, the place of seizure and a description and the brand of the property seized. A duplicate of the receipt shall be filed in the office of the director and shall be open for public inspection.

(c) Cigarettes in quantities of 1,000 or less in the possession of a licensee are not declared a common nuisance and contraband if the licensee has: (1) Segregated the cigarettes from public view; (2) marked the cigarettes as not for retail sale to consumers; and (3) within 72 hours of receipt, notified the licensee's wholesale dealer, in writing, that the cigarettes do not bear indicia of Kansas tax and that the wholesale dealer shall remove the cigarettes from the licensee's premises.

Sec. 14. K.S.A. 79-3324a is hereby amended to read as follows: 79-3324a. (a) All of the cigarettes and property seized by the director or the director's authorized agent shall first be listed and appraised by the person making the seizure, and turned over to the director and a receipt taken. The person making the seizure shall immediately make and file a written report showing the name of the person making the seizure, the place where, and the person from whom the property was seized, and inventory and appraisal thereof, at the usual and ordinary wholesale price of the articles received by the director of taxation. The director shall institute forfeiture proceedings within the department of revenue in the name of the state of Kansas, as plaintiff, and in the name of the owner or person in possession, as defendant, if known, and if unknown, in the name of the property seized. The director shall issue notice to the owner or person in whose possession such property was found, directing such person to answer within 10 days. The forfeiture hearing under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If the property is declared forfeited and ordered sold, notice of the sale shall be posted in the official newspaper of Shawnee county, Kansas, not less than 10 days before the date of the sale, except that cigarettes shall be withheld from public sale and shall be sold by the director of taxation to the manufacturer of such cigarettes or to a licensed distributor and the purchase price shall be paid to the director of taxation and treated as cigarette tax collected. After deducting all costs incurred in the seizure, forfeiture and sale of all contraband, including cigarettes and property seized by the director or by the director's authorized agent, pursuant to this subsection, all such proceeds 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 cigarette and tobacco products regulation fund created by K.S.A. 79-3391, and amendments thereto, and such proceeds shall be used exclusively for cigarette and tobacco products regulation and enforcement, and not for any other purpose.

(b) All of the cigarettes and property seized by officers of the state of Kansas, other than the director or the director's authorized agent, shall first be listed and appraised by the officer making the seizure, and turned over to the county sheriff of the county in which the seizure is made and a receipt therefor taken. The person making the seizure shall immediately make and file a written report thereof showing the name of the person making the seizure, the place where, and the person from whom the property was seized, and inventory and ~~appraisal~~ appraisal thereof, at the usual and ordinary wholesale price of the articles received to the director of taxation. The county or district attorney of the county in which the seizures are made may, at the request of the director, file in the district court forfeiture proceedings in the name of the state of Kansas, as plaintiff, and in the name of the owner or person in possession, as defendant, if known, and if unknown in the name of the property seized. The clerk of the court shall issue summons to the owner or person in whose possession such property was found,

directing ~~him or her~~ such person to answer within ~~ten (10)~~ days. If the property is declared forfeited and ordered sold, notice of the sale shall be posted in ~~five (5)~~ public places in the county not less than ~~ten (10)~~ days before the date of the sale, except that cigarettes shall be withheld from public sale and shall be sold by the director of taxation to the manufacturer of such cigarettes or to a licensed distributor and the purchase price shall be paid to the director of taxation and treated as cigarette tax collected. The proceeds of any public sale shall be deposited with the clerk of the court, who shall, after deducting costs, including the costs of the sale, pay the balance to the treasurer of the county wherein ~~said the~~ sale is constructed. ~~Said The~~ treasurer shall credit the entire amount ~~thereof~~ to the county general fund.

~~(b)(c)~~ The seizure and sale of the cigarettes shall not relieve the person from whom the cigarettes were seized from any prosecution on the payment of any penalties provided for under the provisions of K.S.A. 79-3301 et seq., and amendments thereto; nor shall it relieve the purchaser ~~thereof~~ from any payment of the regular cigarette tax and the placing of proper stamps thereon before making any sale of the cigarettes or the personal consumption of the same.

~~(e)(d)~~ The forfeiture provisions of this act shall only apply to persons having possession of or transporting cigarettes with intent to barter, sell or give away the same. The possession of cigarettes in any quantity of more than ~~two (2)~~ five cartons, ~~twenty (20)~~ 50 packages or ~~four hundred (400)~~ 1,000 cigarettes, not bearing indicia of tax payment as required by the provisions of K.S.A. 79-3301 et seq., and amendments thereto, shall be prima facie evidence of intent to barter, sell or give away the cigarettes in violation of the provisions of K.S.A. 79-3301 et seq., and amendments thereto.

Sec. 15. K.S.A. 79-3326 is hereby amended to read as follows: 79-3326. The director of taxation shall administer and enforce the provisions of this act, and to require such reports, make such investigations and take such other action as the director deems necessary or suitable to that end. For the purpose of ascertaining the correctness of any return or making an estimate of the tax due for any taxpayer or person, the director or the director's designee has the power to examine any books, papers, records or memoranda bearing upon the matters required to be included in the return or report. The secretary of revenue shall adopt rules and regulations for the administration of this act. For the purpose of enforcing this act the director may call to the director's aid any law enforcement officer of this state to prosecute all violators of any of the provisions of this act. The police of any city shall have the right to inspect all premises, records and invoices pertaining to the wholesale distribution, retail sale or sampling of cigarettes or tobacco products within the city at all reasonable times. All agents and representatives designated by the director are hereby invested with all the powers of peace and police officers within the state of Kansas in the enforcement of the provisions of this act throughout the state.

Sec. 16. K.S.A. 2016 Supp. 79-3333 is hereby amended to read as follows: 79-3333. (a) Each person engaged in the business of selling cigarettes, smokeless tobacco or roll-your-own tobacco to persons who reside in Kansas shall obtain a license as provided by the Kansas cigarette and tobacco products act.

(b) All cigarettes sold to persons who reside in Kansas shall have a valid Kansas cigarette tax stamp affixed to each package.

(c) All retail ~~cigarette~~ dealers, whether located in or outside the state of Kansas, shall have a registration certificate as provided in K.S.A. 79-3608, and amendments

thereto, and be subject to the provisions of the Kansas retailers' sales tax act. Each ~~licensed retail cigarette dealer licensee or other person~~ selling cigarettes, smokeless tobacco or roll-your-own tobacco over the internet, telephone or other mail order transaction shall file all sales tax returns and remit taxes owed pursuant to K.S.A. 79-3607, and amendments thereto.

(d) All sales transactions over the internet, telephone or other mail order transaction shall not be completed, unless, before each delivery of cigarettes, smokeless tobacco or roll-your-own tobacco is made, whether through the mail, through a transportation company or any other delivery system, the seller has obtained from the purchaser a certification that includes a reliable confirmation that the purchaser is at least the legal minimum age to purchase cigarettes, smokeless tobacco or roll-your-own tobacco; that the cigarettes or tobacco products purchased are not intended for consumption by an individual who is younger than the legal minimum age to purchase cigarettes, smokeless tobacco or roll-your-own tobacco; and a written statement signed by the purchaser that certifies the purchaser's address and that the purchaser is at least the minimum legal age to purchase cigarettes, smokeless tobacco or roll-your-own tobacco. Such statement shall also confirm: (1) That the purchaser understands that signing another person's name to such certification is illegal; (2) that the sale of cigarettes, smokeless tobacco or roll-your-own tobacco to individuals under the legal minimum purchase age is illegal; and (3) that the purchase of cigarettes, smokeless tobacco or roll-your-own tobacco by individuals under the legal minimum purchase age is illegal under the laws of Kansas.

(e) The retail cigarette dealer shall verify the information contained in the certification provided by the purchaser against a commercially available database of governmental records, or obtain a photocopy or other image of the valid, government-issued identification stating the date of birth or age of the purchaser.

(f) All invoices, bills of lading, sales receipts and any other document related to the sale of cigarettes, smokeless tobacco or roll-your-own tobacco through the internet or other mail order transaction shall contain the current, valid retailer Kansas cigarette, smokeless tobacco or roll-your-own tobacco dealer license number, Kansas sales tax registration number, business name and address of the seller.

(g) All packages of cigarettes shipped from a cigarette dealer to purchasers who reside in Kansas shall clearly print the package with the word "CIGARETTES" on all sides of the package. In addition, such package shall contain an externally visible and easily legible notice located on the same side of the package as the address to which the package is delivered as follows:

"IF THESE CIGARETTES HAVE BEEN SHIPPED TO YOU FROM A SELLER LOCATED OUTSIDE OF THE STATE IN WHICH YOU RESIDE, THE SELLER HAS REPORTED PURSUANT TO FEDERAL LAW THE SALE OF THESE CIGARETTES TO YOUR STATE TAX COLLECTION AGENCY, INCLUDING YOUR NAME AND ADDRESS. YOU ARE LEGALLY RESPONSIBLE FOR ALL APPLICABLE UNPAID STATE TAXES ON THESE CIGARETTES."

~~(h) The provisions of this section shall not apply to tobacco products, as defined in K.S.A. 79-3301, and amendments thereto.~~ (1) Each retail dealer that sells cigarettes to Kansas consumers without indicia of Kansas tax shall file an annual statement for each consumer to the department of revenue on such forms as are provided or approved by the department to the director for all Kansas consumers by March 1 of each year

showing such information as the Kansas department of revenue shall require by rules and regulations, including the: (A) Name and address of such Kansas consumer; (B) the date of purchase; and (C) the total number of packs of cigarettes purchased by such Kansas consumer made from the retail dealer in the previous calendar year.

(2) The director may require any retail dealer that sells cigarettes to Kansas consumers without indicia of Kansas tax of more than \$100,000 in a calendar year to file the annual statement described in paragraph (1) by electronic format, including magnetic media or another machine-readable form for that year.

(3) Failure to file the annual statement required in paragraph (1) shall subject the retailer dealer to a penalty of \$10 for each consumer that should have been included in such annual statement, unless the retailer shows reasonable cause for such failure.

(i) Except as otherwise provided by this act, a violation of subsection (a), (d), (e) or (h) is a:

(1) Class A misdemeanor for a first violation, and the offender shall be fined not less than \$1,000 nor more than \$2,500 upon a first conviction;

(2) severity level 6, nonperson felony for a second violation, and the offender shall be fined not less than \$50,000 nor more than \$100,000 upon a second conviction; and

(3) severity level 6, nonperson felony for a third and all subsequent violations, and the offender shall be fined \$100,000 upon a third and all subsequent convictions.

~~(j) Violation of the provisions of subsection (a), (d) or (e) is a severity level 8, nonperson felony. Each separate violation of any provision of this section, other than the provisions of subsection (a), (d) or (e) is or (h) shall be a class B misdemeanor, and upon conviction shall be punishable by a fine of not the offender shall be fined not less than \$500 nor more than \$1,000 or imprisonment for not more than one year, or both.~~

(k) The secretary of revenue or the secretary's authorized agent may refer such evidence as may be available concerning violations of this act or any rules and regulations or order hereunder to the attorney general or the proper county or district attorney, who may, in the prosecutor's discretion, with or without such a reference, institute the appropriate criminal proceedings under this act. Upon receipt of such reference, the attorney general or the county attorney or district attorney may request that a duly employed attorney of the department of revenue prosecute or assist in the prosecution of such violation or violations on behalf of the state. Upon approval of the secretary or the secretary's authorized agent, such employee shall be appointed as a special prosecutor for the attorney general or the county attorney or district attorney to serve without compensation from the attorney general or the county attorney or district attorney. Such special prosecutor shall have all the powers and duties prescribed by law for assistant attorneys general or assistant county or district attorneys and such other powers and duties as are lawfully delegated to such special prosecutor by the attorney general or the county attorney or district attorney. If an attorney employed by the secretary or secretary's authorized agent acts as a special prosecutor, the secretary may pay extradition and witness expenses associated with the case.

~~(l)~~(1) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 17. K.S.A. 2016 Supp. 79-3335 is hereby amended to read as follows: 79-3335. (a) Counterfeit cigarettes shall be seized by the director. For purposes of this section, counterfeit cigarettes includes cigarettes manufactured, sold, transported, imported, distributed or possessed in this state with intent to deceive consumers and to

avoid the provisions of this act, and also includes cigarettes that have false manufacturing labels or packages of cigarettes bearing counterfeit tax stamps. It shall be unlawful for any person to sell, transport, import, distribute, possess, wholesale or manufacture counterfeit cigarettes.

(b) Except as otherwise provided by this act, a violation of the provisions of this section shall be a:

(1) Class A misdemeanor for a first violation, and the offender shall be fined not less than \$1,000 nor more than \$2,500 upon a first conviction;

(2) severity level 6, nonperson felony for a second violation, and the offender shall be fined not less than \$50,000 nor more than \$100,000 upon a second conviction; and

(3) severity level 6, nonperson felony for a third and all subsequent violations, and the offender shall be fined \$100,000 upon a third and all subsequent convictions.

(c) The secretary of revenue, or the secretary's authorized agent, may refer such evidence as may be available concerning violations of this act or any rules and regulations or order hereunder to the attorney general or the proper county or district attorney, who may in the prosecutor's discretion, with or without such a reference, institute the appropriate criminal proceedings under this act. Upon receipt of such reference, the attorney general or the county attorney or district attorney may request that a duly employed attorney of the department of revenue prosecute or assist in the prosecution of such violation or violations on behalf of the state. Upon approval of the secretary or the secretary's authorized agent, such employee shall be appointed as a special prosecutor for the attorney general or the county attorney or district attorney to serve without compensation from the attorney general or the county attorney or district attorney. Such special prosecutor shall have all the powers and duties prescribed by law for assistant attorneys general or assistant county or district attorneys and such other powers and duties as are lawfully delegated to such special prosecutor by the attorney general or the county attorney or district attorney. If an attorney employed by the secretary or secretary's authorized agent acts as a special prosecutor, the secretary may pay extradition and witness expenses associated with the case.

(d) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 18. K.S.A. 79-3378 is hereby amended to read as follows: 79-3378. (a) On or before the ~~twentieth~~ 20th day of each calendar month every distributor with a place of business in this state shall file a return with the director showing the quantity and wholesale sales price of each tobacco product: (1) Brought, or caused to be brought, into this state for sale; and (2) made, manufactured, or fabricated in this state for sale in this state during the preceding calendar month. Every licensed distributor outside this state shall in like manner file a return showing the quantity and wholesale sales price of each tobacco product shipped or transported to retailers in this state to be sold by those retailers, during the preceding calendar month. Returns shall be made ~~upon forms furnished and~~ electronically in the manner prescribed by the director. Each return shall be accompanied by a remittance for the full tax liability shown therein, less ~~four percent~~ (4%) of such liability as compensation to reimburse the distributor for ~~his or her~~ such distributor's expenses incurred in the administration of this act.

(b) As soon as practicable after any return is filed, the director shall examine the return. If the director finds that, in ~~his or her~~ the director's judgment, the return is incorrect and any amount of tax is due from the distributor and unpaid, ~~he or she~~ the

director shall notify the distributor of the deficiency. If a deficiency disclosed by the director's examination cannot be allocated by ~~him~~ the director to a particular month or months, ~~he or she~~ the director may nevertheless notify the distributor that a deficiency exists and state the amount of tax due. Such notice shall be given to the distributor by registered or certified mail.

Sec. 19. K.S.A. 2016 Supp. 79-3387 is hereby amended to read as follows: 79-3387. (a) All revenue collected or received by the director from 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 to the credit of the state general fund.

(b) All moneys received from license fees, forfeiture proceeds under K.S.A. 79-3324a, and amendments thereto, and fines imposed by this act shall be collected by the director and 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 cigarette and tobacco products regulation fund created by K.S.A. 79-3391, and amendments thereto, and such proceeds shall be used exclusively for cigarette and tobacco products regulation and enforcement, and not for any other purpose.

Sec. 20. K.S.A. 2016 Supp. 79-3391 is hereby amended to read as follows: 79-3391. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the secretary of revenue or the secretary's designee, upon a finding that a ~~licensee person~~ person under this act has violated any provision of this act or any provision of any rule and regulation of the secretary of revenue adopted pursuant to this act shall impose on such ~~licensee person~~ person a civil fine not exceeding \$1,000 for each violation.

(b) It shall be unlawful for any person, directly or indirectly, to: (1) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (2) buy any cigarettes or tobacco products for any person under 18 years of age. In determining the fine to be imposed under this subsection by a licensed retail dealer whose employee sold, furnished or distributed the cigarettes or tobacco products, the secretary of revenue or the secretary's designee shall consider it to be a mitigating circumstance if the employee had completed a training program, approved by the secretary of revenue or the secretary's designee, in avoiding sale, furnishing or distributing of cigarettes and tobacco products to persons under 18 years of age.

(c) No fine shall be imposed pursuant to this section except upon the written order of the secretary of revenue or the secretary's designee to the licensee who committed the violation. Such order shall state the violation, the fine to be imposed and the right of the licensee to appeal the order. Such order shall be subject to appeal and review in the manner provided by the Kansas administrative procedure act.

(d) Any fine 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 cigarette and tobacco products regulation fund.

(e) There is hereby created, in the state treasury, the cigarette and tobacco products regulation fund. Moneys in the fund shall be expended only for the enforcement of this act and rules and regulations adopted pursuant to this act. Such expenditures shall be made in accordance with appropriation acts upon warrants of the director of accounts

and reports issued pursuant to vouchers approved by the secretary of revenue or a person designated by the secretary.

(f) If a person violates subsection (b) for a second or subsequent occurrence within a three-year period, the secretary may impose a graduated fine upon such person for the second or subsequent occurrence. For the purposes of imposing a fine under this section, if three or more years have elapsed since a person has been found to have violated the provisions of subsection (b), such person shall be treated as never having violated subsection (b).

Sec. 21. K.S.A. 2016 Supp. 79-3392 is hereby amended to read as follows: 79-3392. The provisions of K.S.A. 75-5133, 79-3610, 79-3611, 79-3612, 79-3613, 79-3615 and 79-3617, and amendments thereto, relating to the assessment, collection, appeal and administration of the retailers' sales tax, insofar as practical, shall have full force and effect with respect to taxes, penalties and fines imposed by this act.

Sec. 22. K.S.A. 2016 Supp. 79-3393 is hereby amended to read as follows: 79-3393. (a) When a person is stopped by a law enforcement officer for a cigarette or tobacco infraction, the law enforcement officer shall prepare and deliver to the person a written cigarette or tobacco citation on a form approved by the secretary of revenue or the secretary's designee. The citation shall contain a notice to appear in court, the name and address of the person, the offense or offenses charged, the time and place when and where the person shall appear in court, the signature of the law enforcement officer and any other pertinent information. The time specified in the notice to appear shall be at least five days after the alleged infraction unless the person charged with the infraction demands an earlier hearing. The place specified in the notice to appear shall be before a judge of the district court within the county where the infraction is alleged to have been committed or before a judge of the municipal court where the infraction is alleged to have been committed in a city which has adopted an ordinance which prohibits the same acts.

(b) The notice to appear may provide that the person charged with the infraction shall appear in court with a parent or legal guardian and shall provide that the person charged has a right to trial.

(c) Acts classified as cigarette or tobacco infractions by ~~subsection (c)~~ of K.S.A. 79-3322 (d), and amendments thereto, shall be classified as ordinance cigarette or tobacco infractions by those cities adopting ordinances prohibiting the same acts. The fine for an ordinance cigarette or tobacco infraction shall be \$25.

Sec. 23. K.S.A. 2016 Supp. 50-6a07 is hereby amended to read as follows: 50-6a07. As used in this act:

(a) "Act" means the provisions of K.S.A. 50-6a01 through 50-6a06, and amendments thereto, and the provisions of K.S.A. 2016 Supp. 50-6a07 through 50-6a21, and amendments thereto.

(b) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s," and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors or any other indicia of product identification identical, similar to or identifiable with a previously known brand of cigarettes.

(c) "Cigarette" has the same meaning given that term in K.S.A. 50-6a02(d), and

amendments thereto.

(d) "Director" means the director of taxation.

(e) "Indian tribe" means any Indian tribe, band, nation or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under the laws of the United States.

(f) "Master settlement agreement" has the same meaning given that term in K.S.A. 50-6a02(e), and amendments thereto.

(g) "Non-participating manufacturer" means any tobacco product manufacturer that is not a participating manufacturer.

(h) "Participating manufacturer" has the meaning given that term in K.S.A. 50-6a02(i)(1), and amendments thereto.

(i) "Qualified escrow fund" has the same meaning given that term in K.S.A. 50-6a02(f), and amendments thereto.

(j) "Resident agent" means a domestic corporation, a domestic limited partnership, a domestic limited liability company or a domestic business trust or a foreign corporation, a foreign limited partnership, a foreign limited liability company or a foreign business trust authorized to transact business in this state, and which is generally open during regular business hours to accept service of process on behalf of a non-participating manufacturer.

(k) "Retail dealer" has the same meaning given that term in K.S.A. 79-3301~~(q)~~, and amendments thereto.

(l) "Stamping agent" means a person who is authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, or any person who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto.

(m) "Tax indicia" has the same meaning given that term in K.S.A. 79-3301~~(u)~~, and amendments thereto.

(n) "Tobacco product manufacturer" has the same meaning given that term in K.S.A. 50-6a02(i), and amendments thereto.

(o) "Qualified tribal land" means:

(1) All land within the borders of this state that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of-way running through the reservation;

(2) all dependent Indian communities within the borders of this state;

(3) all Indian allotments within the borders of this state, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and

(4) any lands within the borders of this state, the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual subject to restriction by the United States against alienation, and over which an Indian tribe exercises governmental power.

(p) "Units sold" has the same meaning given that term in K.S.A. 50-6a02(j), and amendments thereto.

(q) "Vending machine operator" has the same meaning given that term in K.S.A. 79-3301~~(v)~~, and amendments thereto.

New Sec. 24. (a) No provisions of this act shall: (1) Be deemed to amend or modify

any compact described in K.S.A. 79-3323(a), and amendments thereto; or (2) be enforced in a manner which would cause the state to breach the terms of any compact described in K.S.A. 79-3323(a), and amendments thereto.

(b) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 25. K.S.A. 2016 Supp. 79-3399 is hereby amended to read as follows: 79-3399. (a) On and after ~~January~~ July 1, 2017, a tax is hereby imposed upon the privilege of selling or dealing in electronic cigarettes in this state by any person engaged in business as a distributor thereof, at the rate of ~~\$.20~~ \$.05 per milliliter of consumable material for electronic cigarettes and a proportionate tax at the like rate on all fractional parts thereof. For electronic cigarettes in the possession of retail dealers for which tax has not been paid, tax shall be imposed under this subsection at the earliest time the retail dealer: (1) Brings or causes to be brought into this state from without the state electronic cigarettes for sale; (2) makes, manufactures or fabricates electronic cigarettes in this state for sale in this state; or (3) sells electronic cigarettes to consumers within this state.

(b) "Consumable material" means any liquid solution or other material that is depleted as an electronic cigarette is used.

(c) The secretary of revenue shall adopt rules and regulations to implement the provisions of this section.

Sec. 26. K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3326 and 79-3378 and K.S.A. 2016 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392, 79-3393 and 79-3399 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 through 6; in line 7, by striking all before the period and inserting "the Kansas cigarettes and tobacco products act; relating to definitions, licenses and permits, suspension or revocation of licenses, stamps, records required of dealers, unlawful acts, penalties, sale of cigarettes, application of certain laws to taxes, remittance of taxes, escrow deposits, taxation of electronic cigarettes; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3326 and 79-3378 and K.S.A. 2016 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392, 79-3393 and 79-3399 and repealing the existing sections";

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

CARYN TYSON
DAN KERSCHEN
TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON
TOM PHILLIPS
TOM SAWYER

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **Sub HB 2230**.

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

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

Nays: Baumgardner.

Absent or Not Voting: Masterson, Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2313** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, following line 21, by inserting:

"(h) (1) "Instant bingo vending machine" means a machine or electronic device owned or leased by the Kansas lottery in fulfillment of the Kansas lottery's obligations under an agreement between the Kansas lottery and a licensee entered into pursuant to section 8, and amendments thereto, the sole purpose of which is to:

(A) Dispense a printed physical instant bingo ticket after a purchaser inserts cash or other form of consideration into the machine; and

(B) allow purchasers to manually check the winning status of the instant bingo ticket.

(2) "Instant bingo vending machine" shall not:

(A) Provide a visual or audio representation of a bingo card or an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic instant bingo game or an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed instant bingo ticket;

(D) extend or arrange credit for the purchase of an instant bingo ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than an instant bingo ticket;

(H) provide free instant bingo tickets or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.";

On page 3, in line 39, by striking "or"; in line 40, after "machine" by inserting "; or

(G) any instant bingo vending machine";

On page 4, following line 28, by inserting:

"No more than two lottery ticket vending machines may be located at each Kansas lottery retailer selling location.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 9, in line 5, by striking all after "(k)"; by striking all in line 6; in line 7, by

striking all before the period and inserting "Facility owner licensee" shall have the same meaning as the term is defined in K.S.A. 74-8802, and amendments thereto.

(l) "Racetrack gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(m) "Lottery gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(n) "Prize" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto, and any winnings from parimutuel wagering as provided by the Kansas parimutuel racing act, K.S.A. 74-8801 et seq., and amendments thereto";

Also on page 9, by striking all in lines 8 through 35; in line 40, by striking all after "director"; in line 41, by striking all before "may";

On page 10, in line 1, by striking all after "or"; in line 2, by striking "vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 10, by striking all after "a"; in line 11, by striking "vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 14, by striking all before "with" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 16, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 18, after "debts" by inserting "by a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 29, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 31, by striking "third party vendor, as agent of the state," and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 35, by striking "third party"; in line 36, by striking "vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 38, by striking "third party vendor is acting strictly as agent for the state and" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 41, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee"; in line 42, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee";

On page 11, in line 3, by striking "third party vendor" and inserting "lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee";

On page 12, in line 6, after "(5)" by inserting "transfers to the community crisis stabilization centers fund and clubhouse model program fund of the Kansas department for aging and disability services pursuant to subsection (e);

(6)";

Also on page 12, in line 7, after the stricken material by inserting "and"; in line 8, by striking the semicolon; by striking all in lines 9 through 11; in line 12, by striking all before the period; in line 20, by striking "(c)(4)" and inserting "(c)(5)"; in line 27, by striking all after "(2)"; by striking all in lines 28 through 43;

On page 13, in line 1, by striking all before the period and inserting "during fiscal year 2018 through fiscal year 2022, on or before the 10th day of each month, the director of the lottery shall certify to the director of accounts and reports all net profits from the sale of lottery tickets and shares via lottery ticket vending machines. Of such certified amount, the director of accounts and reports shall transfer 75% from the lottery

operating fund to the community crisis stabilization centers fund of the Kansas department for aging and disability services and 25% from the lottery operating fund to the clubhouse model program fund of the Kansas department for aging and disability services";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 13, following line 27, by inserting:

"New Sec. 8. (a) The executive director of the Kansas lottery is authorized to enter into agreements with any nonprofit organization licensed under K.S.A. 2016 Supp. 75-5171 et seq., and amendments thereto, for the operation of instant bingo vending machines, as defined in K.S.A. 74-8702, and amendments thereto, to be located on the premises of such nonprofit organization, provided, that not more than two instant bingo vending machines may be located on the premises of such nonprofit organization. Such agreements shall provide for the remittance of the gross receipts from the sale of instant bingo tickets via any instant bingo vending machine to the nonprofit organization.

(b) All sales of instant bingo tickets via an instant bingo vending machine operated pursuant to an agreement shall be considered sales by the nonprofit organization, and all proceeds from such sales shall be remitted to the nonprofit organization.

Sec. 9. K.S.A. 2016 Supp. 74-8723 is hereby amended to read as follows: 74-8723. (a) The Kansas lottery and the office of executive director of the Kansas lottery, established by K.S.A. 74-8703, and amendments thereto, and the Kansas lottery commission, created by K.S.A. 74-8709, and amendments thereto, shall be and hereby are abolished on July 1, ~~2022~~ 2037.

(b) This section shall be part of and supplemental to the Kansas lottery act.

Sec. 10. K.S.A. 2016 Supp. 75-5173 is hereby amended to read as follows: 75-5173. As used in this act:

(a) "Act" means the Kansas charitable gaming act.

(b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2016 Supp. 75-5186, and amendments thereto.

(c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.

(d) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(e) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

"Call bingo" shall include any regular, special, mini and progressive game of bingo.

(f) "Charitable gaming" means bingo, including call bingo, and instant bingo and charitable raffles.

(g) "Charitable raffle" means a raffle conducted by a nonprofit religious, charitable, fraternal, educational or veterans' organization.

(h) "Department" means the department of revenue.

(i) "Director" means the director of taxation.

(j) "Distributor" means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.

(k) "Electronic gaming device" means a device that, as a result of the insertion of a coin or other object, operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value.

(l) "Instant bingo" means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) ~~which that~~ is conducted by a licensee under this act; (5) ~~the conduct of which must be in the presence of the players that may be dispensed by an instant bingo vending machine;~~ and (6) ~~which that~~ does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines.

Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets; (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

~~"Instant bingo" shall not include any game utilizing electronically generated or computer generated tickets.~~

(m) "Instant bingo vending machine" means the same as that term is defined in K.S.A. 74-8702, and amendments thereto.

~~(n)~~(n) "Lessor" means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo.

~~(o)~~(o) "Licensee" means any nonprofit organization holding a license to manage, operate or conduct games of bingo or charitable raffles pursuant to K.S.A. 2016 Supp. 75-5171 through 75-5188, and amendments thereto. A license shall be required for each affiliated organization of any state or national nonprofit religious, charitable, fraternal, educational or veteran's organization.

~~(p)~~(p) "Mini bingo" means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game.

~~(q)~~(q) "Net proceeds" means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo or raffles and any admission fees or charges less amounts actually paid as prizes in games of bingo or raffles and any tax payable by the licensee.

~~(r)~~(r) "Nonprofit religious organization" means any organization, church, body of

communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

~~(s)~~(s) "Nonprofit charitable organization" means any organization which is organized and operated for:

(1) The relief of poverty, distress, or other condition of public concern within this state;

(2) financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

~~(t)~~(t) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

~~(u)~~(u) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

~~(v)~~(v) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization, the membership of which consists exclusively of individuals who were or are members of

the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

~~(w)~~(w) "Person" means any natural person, corporation, partnership, trust or association.

~~(x)~~(x) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

~~(y)~~(y) "Progressive bingo" means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player's opportunity to win shall increase as the prize amount increases.

~~(z)~~(z) "Raffle" means a game of chance in which each participant buys a ticket or tickets from a nonprofit organization with each ticket providing an equal chance to win a prize and the winner being determined by a random drawing.

~~(aa)~~(aa) "Reusable bingo card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two cards in the same game shall be identical.

~~(bb)~~(bb) "Secretary" means the secretary of revenue or the secretary's designee.

~~(cc)~~(cc) "Session" means a day on which a licensee conducts games of bingo.";

Also on page 13, in line 28, by striking "and 75-6203"; in line 29, after "74-8723" by inserting "75-5173,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the Kansas lottery" and inserting "gaming"; in line 2, by striking all after the semicolon; in line 3, by striking "sunset;" and inserting "dealing with instant bingo vending machines; concerning certain"; also in line 3, by striking "with third party vendors"; in line 4, by striking "and 75-6203"; also in line 4, following the comma, by inserting "74-8723, 75-5173,"; in line 6, by striking "; also repealing "K.S. A. 2016 Supp. 74-8723"

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

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

RONALD HIGHLAND

KRISTEY WILLIAMS

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2313**.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Baumgardner, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Masterson, Olson.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub HB 2002**, requests a conference and has appointed Representatives Waymaster, Davis and Wolfe Moore as 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 **S Sub HB 2002**.

The President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until 6:00 p.m.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **Sub HB 2230**.

The House adopts the Conference Committee report on **HB 2313**.

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **SB 30**, AN ACT concerning taxation; relating to sales and compensating use tax, collection and distribution thereof, STAR bonds; income taxation, determination of Kansas adjusted gross income, modifications, rates, itemized deductions and credits; amending K.S.A. 2016 Supp. 12-17,165, 12-17,179, 79-32,110, 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269.

REGARDING VETO OF SENATE BILL 30

I appreciate the efforts of members during this intense lawmaking process. We have worked hard in Kansas to move our tax policy toward a pro-growth orientation. Unfortunately, Senate Bill 30 takes us backward in that effort. We can and we must balance our budget without negatively harming Kansas families.

Accordingly, pursuant to Article 2, Section 14 (a) of the Constitution of the State of Kansas, I hereby veto Senate Bill 30.

Dated: June 6, 2017

SAM BROWNBACK
Governor of Kansas

ACTION ON VETO MESSAGE

A motion by Vice President Longbine on **SB 30** be passed notwithstanding the Governor's veto.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Tyson, Alley, Baumgardner, Berger, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hilderbrand, Holland, Longbine, Lynn, Masterson, Olson, Petersen, Pyle, Suellentrop, Taylor, Wagle and Wilborn introduced 1011 the following Senate resolution, which was read:

SENATE RESOLUTION No. 1757—

A RESOLUTION urging President Donald J. Trump
to grant a full pardon to Shane Cox and Jeremy Kettler.

WHEREAS, Under the Second Amendment Protection Act (SAPA), passed into law in 2013, all firearms, firearm accessories, including silencers, and ammunition manufactured and sold within the borders of Kansas, are wholly governed by Kansas law; and

WHEREAS, Mr. Shane Cox, a law-abiding resident of Kansas and father of an active-duty member of the military, was a manufacturer of firearms and firearm accessories in Kansas in full compliance with SAPA; and

WHEREAS, Mr. Cox subsequently sold a silencer that he manufactured in compliance with Kansas law to Mr. Jeremy Kettler, also a law-abiding Kansas resident and a veteran of the wars in Iraq and Afghanistan; and

WHEREAS, Both Mr. Cox and Mr. Kettler were subsequently indicted by a federal grand jury on several counts for violating federal laws. On November 14, 2016, Mr. Cox was convicted on eight counts for illegally making and marketing firearms. Mr. Kettler was convicted on one count for purchasing a silencer without registering it under the National Firearms Act; and

WHEREAS, The federal court based part of their conviction on a Kansas law that criminalized the possession of sound suppressors in Kansas which was enacted prior to SAPA, and which, due to an oversight, was left unchanged; and

WHEREAS, Mr. Cox and Mr. Kettler relied, to their detriment, on a law that authorized them to do the very acts that they were convicted of; and

WHEREAS, There was no intent on the part of Mr. Cox or Mr. Kettler to circumvent federal law. Instead, they were merely doing what they understood to be permitted under Kansas law; and

WHEREAS, But for their reliance on the Kansas law, a law they thought protected them, these two upstanding men would not have felony convictions on their records: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge President Donald J. Trump to grant a full pardon to Shane Cox and Jeremy Kettler; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the President of the United States of America, the United States Attorney General, the Kansas Attorney General, the Governor of the State of Kansas and each member of the Kansas Congressional Delegation.

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

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Denning in the chair.

REPORT ON ENROLLED BILLS

SB 30 reported correctly enrolled, properly signed and presented to the Governor on June 6, 2017.

On motion of Senator Denning, the Senate adjourned until 2:00 p.m., Wednesday, June 7, 2017.

Journal of the Senate

EIGHTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, June 7, 2017, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Lynn was excused.

Senator Anthony Hensley delivered the invocation followed by the singing of the Lord's Prayer by Doug Bowen from Topeka First UMC:

Edward Everett Hale was a Unitarian Minister who became chaplain of the United States Senate in 1903 at the age of 81.

He was once asked, "Do you pray for the Senators, Dr. Hale?" To which he responded, "No, I look at the Senators and I pray for the country."

Today, I pray for the Senators in the tradition of our former chaplain, Fred Holloman, who prayed using poetry. Let us pray:

The first names in the roll call are Alley, Baumgardner, Berger and Bollier,
Help them through this, yet another day.

Next are Bowers, Denning and Doll,

Give them your strength to answer the call.

Then there's Estes, Faust-Goudeau and Fitzgerald, too,

Let them feel refreshed as we start this day anew.

Francisco, Givens and Goddard,

Please make their job easier not harder.

Haley, Hardy, Hawk and Hensley,

Help them to be the best persons they can be.

Hilderbrand, Holland, Kerschen and Longbine,

Grant them your blessings so divine.

Lynn, Masterson, Olson, Petersen and Pettey,

They need your helping hand so steady.

Pilcher-Cook, Pyle, Rogers and Schmidt,

May you give them the stamina to never quit.

Skubal, Sullentrop and Sykes,

We pray we won't work too late tonight.

Taylor, Tyson, Wagle and Wilborn,

Bestow upon them the energy to stay in top form.

As I read through the roll, I intentionally left out,

Three of our fellow Senators whose work is so devout.

They are spending their time on behalf of us,

Negotiating with the House on the bill called Omnibus.
 They're the Senate conferees, this team of three,
 Senators McGinn, Billinger and Kelly.
 And as we pray to you on Day One Hundred and Ten,
 Provide them the wisdom to bring this session to an end. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits certificate of action by the House of Representatives on **SB 30**, AN ACT concerning taxation; relating to sales and compensating use tax, collection and distribution thereof, STAR bonds; income taxation, determination of Kansas adjusted gross income, modifications, rates, itemized deductions and credits; amending K.S.A. 2016 Supp. 12-17,165, 12-17,179, 79-32,110, 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **SB 30**, the bill be passed. By a vote of 88 Yeas and 31 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2407** 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 25, by inserting:

"(e) No conservation easement, as defined in K.S.A. 58-3810, and amendments thereto, shall be created for any of the tracts of land described in this section without prior specific authorization in an act of the legislature."

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

CAROLYN MCGINN

RICK BILLINGER

LAURA KELLY

Conferees on part of Senate

BILL SUTTON

CHUCK WEBER

TOM BURROUGHS

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2407**.

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

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

Absent or Not Voting: Lynn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2409** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 32, by striking all after "practicable"; in line 33, by striking all before the period;

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

BUD ESTES
 RICHARD HILDERBRAND
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

BILL SUTTON
 CHUCK WEBER
 TOM BURROUGHS
Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2409**.

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, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Francisco, Haley, Kelly.

Absent or Not Voting: Lynn.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate adjourned until 2:00 p.m., Thursday, June 8, 2017.

Journal of the Senate

EIGHTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, June 8, 2017, 2:00 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 36 senators present.

Senators Haley, Masterson, Pettey and Suellentrop were excused.

Senator Pilcher-Cook delivered the invocation:

Dear Heavenly Father. Thanks be to you, the Almighty who made heaven and earth, visible and invisible, seen and unseen, including the self-evident truths listed in our Declaration of Independence and our Kansas Bill of Rights, that all men are created equal, whom You have endowed with the inherent and natural rights of life, liberty and the pursuit of happiness. We ask that You grant us the grace and wisdom to fulfill the oaths we have taken in our service for the citizens of Kansas so that You may be lifted up in glory. Amen

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Berger rose on a Point of Personal Privilege to request a moment of silence for Representative Patsy Terrell, who passed away unexpectedly June 7, 2017. "Patsy represented the 102nd district which is basically the southern part of Hutchinson. Patsy was well known for her work in the community as an advocate for the arts as well as other community based organizations. I have known Patsy since the early 80's when she worked for Hutchinson Community College's public radio station, a position that she held for over 18 years. As a fellow freshman legislator she was active in the women's caucus and was a frequent poster on Facebook, in fact she posted at 5:30 am the day that she passed away. She will be missed in Hutchinson, the 102nd district of Kansas and in the House of Representatives. Our sympathy goes out to her family, legions of friends, colleagues and the residents of the 102nd district."

MESSAGES FROM THE GOVERNOR

H Sub SB 21, H Sub SB 60; SB 83 approved on June 7, 2017.

MESSAGE FROM THE HOUSE

The House announced the appointment of Representatives Johnson, Phillips and Sawyers as conferees on the part of the House for **HB 2111**.

The House adopts the Conference Committee report on **HB 2409**.

The House not adopts the Conference Committee report on **HB 2407**, requests a

conference and appoints Representatives Sutton, Weber and Burroughs 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 **HB 2407**.

The President appointed Senators McGinn, Billinger and Kelly as second conferees on the part of the Senate.

CHANGE OF CONFEREES

The President appointed Senators Tyson, Kerschen, and Holland to replace Senators Longbine, Billinger, and Rogers as members of the conference committee on **HB 2111**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2212**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2212** 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 10; following line 10, by inserting:

"New Section 1. (a) The following described property, to the extent herein specified, shall be exempt from all property taxes levied under the laws of the state of Kansas: All buildings, together with the land upon which the buildings are located, and all tangible personal property associated therewith, owned by a redevelopment authority established as a body corporate and politic pursuant to K.S.A. 19-4901 et seq., and amendments thereto, that is located in a redevelopment district within a former federal enclave and is leased to a business and thereafter used exclusively for the purpose of: (1) Manufacturing articles of commerce; (2) conducting research and development; or (3) processing and storing goods or commodities that are sold or traded in interstate commerce.

(b) In accordance with K.S.A. 19-4904, and amendments thereto, a redevelopment authority may file a request for exemption under the provisions of this section pursuant to K.S.A. 79-213, and amendments thereto, only with approval of the board of county commissioners by resolution.

(c) An exemption from ad valorem taxes granted pursuant to subsection (a) shall be in effect for not more than 10 calendar years after the calendar year in which the business commences its operations or the calendar year in which the expansion of an

existing business is completed, as the case may be.

(d) This section is adopted pursuant to section 13(d) of article 11 of the constitution of the state of Kansas, and shall be part of and supplemental to article 2 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2016 Supp. 12-187 is hereby amended to read as follows: 12-187.

(a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing

its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred

in the financing of the project described in this paragraph.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. 68-2314(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and

amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(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) 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 shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the

question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected. The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this

paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees

of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties,

upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 3. K.S.A. 2016 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 county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of

- K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;
- (m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;
- (n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;
- (o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;
- (p) the board of county commissioners of Wabaunsee county, for the purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;
- (q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;
- (r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;
- (s) the board of county commissioners of Johnson county for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;
- (t) the board of county commissioners of Wilson county for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;
- (u) the board of county commissioners of Butler county for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;
- (v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;
- (w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;
- (x) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;
- (y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;
- (z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;
- (aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;
- (bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;
- (cc) the board of county commissioners of Rooks county, for the purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%; ~~and~~

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%; and

(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to

assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 4. K.S.A. 2016 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and (2) one-half of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and (B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid

from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30) ~~and~~ (31) ~~and~~ (32), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in K.S.A. 12-187(b)(5), and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(5), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(26), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by K.S.A. 12-187(b)(26), and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to

depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 5. K.S.A. 2016 Supp. 79-213 is hereby amended to read as follows: 79-213.

(a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the state board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the state board of tax appeals. With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the board of tax appeals by the county appraiser on or before the effective date of this act, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state board of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the constitution of the state of Kansas; or (2) K.S.A. 79-201a Second, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 ~~to through~~ 12-1749, ~~inclusive~~, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m, and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth*, and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x, and amendments thereto, from the property tax levied pursuant to K.S.A. 2016 Supp. 72-6470, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto; (17) from and after July 1, 1998, motor vehicles exempted from taxation by K.S.A. 79-5107(e), and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-224, and amendments thereto; ~~and~~ (20) property exempted from property or ad valorem taxation by K.S.A. 2016 Supp. 79-234, and amendments thereto;

(21) recreational vehicles exempted from property or ad valorem taxation by K.S.A. 79-5121(e), and amendments thereto; (22) property acquired by a land bank exempt from property or ad valorem taxation pursuant to K.S.A. 2016 Supp. 12-5909 or K.S.A. 19-26,111, and amendments thereto; and (23) property belonging exclusively to the United States and exempted from ad valorem taxation by K.S.A. 79-201a First, and amendments thereto, except that the provisions of this subsection (1)(23) shall not apply to any such property that the congress of the United States has expressly declared to be subject to state and local taxation.

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the constitution of the state of Kansas.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

(o) No exemption authorized by K.S.A. 79-227, and amendments thereto, of property from the payment of ad valorem property taxes assessed shall be granted unless the requesting property owner files an initial request for exemption pursuant to this section within two years of the date in which construction of a new qualifying pipeline property began. The provisions of this subsection shall be applicable to all requests for exemptions filed in accordance with subsection (a) after June 30, 2017.

Sec. 6. K.S.A. 2016 Supp. 79-3298 is hereby amended to read as follows: 79-3298.

(a) Every employer, payer, person or organization deducting and withholding tax shall remit the taxes and file returns in accordance with the following provisions:

(1) Whenever the total amount withheld exceeds \$100,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld in accordance with the following schedule: Each calendar month shall be divided into four remittance periods that end on the 7th, 15th, 21st and the last day of such month. If at the end of any one or all of such remittance periods the total undeposited taxes equal or exceed \$667, the taxes shall be remitted within three banking days. Saturdays, Sundays and legal holidays shall not be treated as banking days.

(2) Whenever the total amount withheld exceeds \$8,000 but does not exceed \$100,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld for wages paid during the first 15 days of any month on or before the 25th day of the month. The employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld for wages paid during the remainder of that month on or before the 10th day of the following month.

(3) Whenever the total amount withheld exceeds \$1,200 but does not exceed \$8,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld during any month on or before the 15th day of the following month.

(4) Whenever the total amount withheld exceeds \$200 but does not exceed \$1,200 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld in any calendar quarter on or before the 25th day of the first month following the end of that calendar quarter.

(5) Whenever the total amount withheld does not exceed \$200 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld during that year on or before January 25 of the following year.

(b) Each remittance required under the provisions of subsection (a) shall be accompanied by a Kansas withholding tax remittance form and shall be filed in the manner prescribed by the director, including electronic filing.

(c) Every employer, payer, person or organization deducting and withholding tax and making remittances pursuant to subsection (a) shall file a return on a form or in the format and shall file in the manner prescribed by the director, including electronic filing, for each calendar year on or before ~~the last day of February~~ January 31 of the following year.

(d) The excess of any remittance over the actual taxes withheld in any withholding period shall be credited against the liability for following withholding periods until exhausted. A refund shall be allowed in accordance with K.S.A. 79-32,105, and amendments thereto, where an overpayment cannot be adjusted by an offset against the liability for a subsequent withholding period.

(e) For purposes of determining filing requirements, determinations of amounts withheld during a calendar year by employers, payers, persons or organizations deducting and withholding tax shall be made by the director upon the basis of amounts withheld by those employers, payers, persons or organizations during the preceding calendar year or by estimates in cases of employers, payers, persons or organizations having no previous withholding histories. The director is hereby authorized to modify the filing schedule for any employer, payer, person or organization deducting and withholding tax when it is apparent that the original determination was inaccurate.

(f) Whenever the director has cause to believe that money withheld by an employer, payer, person or organization deducting and withholding tax pursuant to this act may be converted, diverted, lost, or otherwise not timely paid in accordance with this section, the director shall have the power to require returns and payment from any such employer, payer, person or organization at any time at more frequent intervals than prescribed by this section in order to secure full payment to the state of all amounts withheld by such employer, payer, person or organization in accordance with this act.

Sec. 7. K.S.A. 2016 Supp. 79-3299 is hereby amended to read as follows: 79-3299.

(a) Every employer, payer, person or organization deducting and withholding tax, on or before January 31 of each year, shall prepare a statement for each employee or payee on a form prescribed by the director stating the amount of wages or payments other than wages subject to Kansas income tax paid during the preceding year, the total amount of tax withheld, if any, from such wages or payments other than wages by the employer, payer, person or organization pursuant to this act and such other information as may be prescribed by the director. One copy of such statement shall be filed by the employer, payer, person or organization with the division of taxation on or before ~~the last day of February~~ January 31 of each year. Except as otherwise provided, if the employer, payer, person or organization files statements which report such withholding information for 51 or more employees or payees, the statements shall be filed by electronic means. If filing such statements by electronic means would be a hardship for any such employer, payer, person or organization, the secretary may permit such statements to be filed other than by electronic means. Two copies of such statement shall be given to the employee or payee concerned, one of which will be filed by the employee or payee with the tax return required by this chapter.

(b) In the case of an employee whose employment is terminated before the end of a calendar year, the statement required by subsection (a) may be mailed at the time

provided in that subsection to the last known address of the employee, or issued at the time of the last payment to the employee, at the employer's option.

(c) Any employer, payer, person or organization deducting and withholding tax who intentionally fails to furnish a statement to an employee or payee as required under the provisions of subsections (a) and (b) shall be guilty of a nonperson misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100 for each such offense.

(d) The annual statement of wages and salaries paid and amount withheld required by this section shall be in lieu of the annual information return required under K.S.A. 79-3222, and amendments thereto.

Sec. 8. K.S.A. 2016 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 ~~North Central Association of Colleges and Schools~~ higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

- (4) Paper and ink used in the publication of newspapers.
- (5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur, or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to

provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a

specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for

which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- (A) The seller's cost of the property sold;
 - (B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;
 - (C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
 - (D) delivery charges; and
 - (E) installation charges.
- (2) "Sales or selling price" includes consideration received by the seller from third parties if:
- (A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;
 - (B) the seller has an obligation to pass the price reduction or discount through to the purchaser;
 - (C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and
 - (D) one of the following criteria is met:
 - (i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;
 - (ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or
 - (iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.
- (3) "Sales or selling price" shall not include:
- (A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;
 - (B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;
 - (C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;
 - (D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and
 - (E) commencing on July 1, 2006, and ending on June 30, 2009, 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. 2016 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter" drug means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions,

conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

Sec. 9. On and after January 1, 2018, K.S.A. 2016 Supp. 79-3607 is hereby

amended to read as follows: 79-3607. (a) Retailers shall make returns to the director at the times prescribed by this section in the manner prescribed by the director, including electronic filing, upon forms or format prescribed by the director stating: (1) The name and address of the retailer; (2) the total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made; (3) the total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made; (4) deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales; (5) receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made; (6) receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made; (7) gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed. The return shall include such other pertinent information as the director may require. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by the retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under ~~subdivision paragraph~~ (4) of this section in case the retailer has theretofore included the receipts from such sale in a return made by such retailer and paid taxes therein imposed by this act. The retailer shall, at the time of making such return, pay to the director the amount of tax herein imposed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this act for any period not to exceed 60 days under such rules and regulations as the secretary of revenue may prescribe. When the total tax for which any retailer is liable under this act, does not exceed the sum of ~~\$80~~ \$400 in any calendar year, the retailer shall file an annual return on or before January 25 of the following year. When the total tax liability does not exceed ~~\$3,200~~ \$4,000 in any calendar year, the retailer shall file returns quarterly on or before the 25th day of the month following the end of each calendar quarter. When the total tax liability exceeds ~~\$3,200~~ \$4,000 in any calendar year, the retailer shall file a return for each month on or before the 25th day of the following month. When the total tax liability exceeds ~~\$32,000~~ \$40,000 in any calendar year, the retailer shall be required to pay the sales tax liability for the first 15 days of each month to the director on or before the 25th day of that month. Any such payment shall accompany the return filed for the preceding month. A retailer will be considered to have complied with the requirements to pay the first 15 days' liability for any month if, on or before the 25th day of that month, the retailer paid 90% of the liability for that fifteen-day period, or 50% of such retailer's liability in the immediate preceding calendar year for the same month as the month in which the fifteen-day period occurs computed at the rate applicable in the month in which the fifteen-day

period occurs, and, in either case, paid any underpayment with the payment required on or before the 25th day of the following month. Such retailers shall pay their sales tax liabilities for the remainder of each such month at the time of filing the return for such month. Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by estimates in cases of retailers having no previous sales tax histories. The director is hereby authorized to modify the filing schedule for any retailer when it is apparent that the original determination was inaccurate.

(b) All model 1, model 2 and model 3 sellers are required to file returns electronically. Any model 1, model 2 or model 3 seller may submit its sales and use tax returns in a simplified format approved by the director. Any seller that is registered under the agreement, which does not have a legal requirement to register in this state, and is not a model 1, model 2 or model 3 seller, may submit its sales and use tax returns as follows: (1) Upon registration, the director shall provide to the seller the returns required;

(2) seller shall file a return anytime within one year of the month of initial registration, and future returns are required on an annual basis in succeeding years; and

(3) in addition to the returns required in subsection (b)(2), sellers are required to submit returns in the month following any month in which they have accumulated state and local sales tax funds for this state in the amount of \$1,600 or more.

Sec. 10. K.S.A. 2016 Supp. 12-187, 12-189, 12-192, 79-213, 79-3298, 79-3299 and 79-3602 are hereby repealed.

Sec. 11. On and after January 1, 2018, K.S.A. 2016 Supp. 79-3607 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 "taxation; relating to property tax exemptions, property owned by a redevelopment authority and located in a redevelopment district within a former federal enclave, allowing county appraisers to exempt certain property without order from the board of tax appeals, time limitations for filing request for exemption for certain qualifying pipeline property; sales and compensating use tax, city and county retailers' sales tax, Marion county, definitions, time for payment of tax; income taxation, reporting requirements, dates; amending K.S.A. 2016 Supp. 12-187, 12-189, 12-192, 79-213, 79-3298, 79-3299, 79-3602 and 79-3607 and repealing the existing sections";

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

CARYN TYSON
DAN KERSCHEN
TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON
TOM PHILLIPS
TOM SAWYER

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2212**.

On roll call, the vote was: Yeas 35; Nays 0; Present and Passing 1; Absent or Not Voting 4.

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

Present and Passing: Olson.

Absent or Not Voting: Haley, Masterson, Pettey, Suellentrop.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, June 9, 2017.

Journal of the Senate

EIGHTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, June 9, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Suellentrop was excused.
Senator Hilderbrand delivered the invocation:

Heavenly Father, thank You for the many blessings that You have given us. We pray for Your direction to guide us through the difficult decisions that we make. We pray that You will give us the humility to understand that we must have a servant's heart and that we are called to be a servant leader. We pray that You will give us the strength and wisdom to carry this burden. Romans 12:3 "For by the grace given me I say to everyone of You: Do not think of yourself more highly than You ought, but think of yourself with sober judgment, according to the measure of faith God has given you." Amen.

The Pledge of Allegiance was led by President Wagle.

COMMUNICATIONS FROM STATE OFFICERS

June 2, 2017

Executive Director, Ruth Glover, submitted the Kansas Human Rights Commission Annual Report Fiscal Year 2016.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2426**.

Announcing passage of **SB 86**, as amended by **H Sub SB 86; SB 109**, as amended by **H Sub SB 109**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2426 was thereupon introduced and read by title.

On motion of Senator Denning, the Senate recessed until 1:00 p.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The Vice President referred **HB 2426** to the Calendar under the heading of **General Orders**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 96**.

The House adopts the Conference Committee report on **H Sub SB 126**.

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 96; H Sub SB 86; HB 2426**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HB 2426** was advanced to Final Action, subject to amendment, debate and roll call.

HB 2426, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2016 Supp. 8-135, as amended by section 1 of 2017 Senate Bill No. 36, 12-4117, 12-4120, as amended by section 7 of 2017 Senate Bill No. 89, 12-4516, 21-6614, as amended by section 15 of 2017 House Substitute for Senate Bill No. 40, 22-2410, as amended by section 8 of 2017 Senate Bill No. 112, 22-3717, as amended by section 10 of 2017 Senate Bill No. 112, 22-4903, 38-2312, as amended by section 23 of 2017 House Substitute for Senate Bill No. 40, 65-4202, as amended by section 22 of 2017 Senate Substitute for House Bill No. 2055, 65-6111 and 74-7305, as amended by section 14 of 2017 House Substitute for Senate Bill No. 101, and repealing the existing sections; also repealing K.S.A. 2016 Supp. 8-135, as amended by section 1 of 2017 Senate Bill No. 89, 12-4112a, 12-4117b, 12-4120, as amended by section 5 of 2017 House Substitute for Senate Bill No. 40, 12-4516e, 21-6614, as amended by section 5 of 2017 House Bill No. 2041, 21-6614, as amended by section 3 of 2017 House Bill No. 2085, 22-2410, as amended by section 6 of 2017 House Bill No. 2041, 22-3717, as amended by section 20 of 2017 House Substitute for Senate Bill No. 40, 22-4903a, 38-2312, as amended by section 15 of 2017 House Bill No. 2041, 65-4202, as amended by section 3 of 2017 House Bill No. 2025, 65-6111a and 74-7305, as amended by section 24 of 2017 House Substitute for Senate Bill No. 40.

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

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

Nays: Olson, Pyle.

Absent or Not Voting: Suellentrop.

The bill passed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 96** 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 13 through 34;

By striking all on pages 2 through 28;

On page 29, by striking all in lines 1 through 23; following line 23 by inserting:

"New Section 1. (a) The secretary of revenue may require, as a qualification for initial or continuing employment or contracting with the department of revenue, all persons having access to federal tax information received directly from the internal revenue service to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal arrests and convictions in this state or other jurisdictions. The secretary 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. Local and state law enforcement officers and agencies shall assist the secretary in the taking and processing of fingerprints of such persons and shall release all records of a person's arrests and convictions to the secretary.

(b) The secretary may use the information obtained from fingerprinting and a person's criminal history only for the purposes of verifying the identification of such person and in the official determination of the fitness of such person's qualification for initial or continuing employment. Disclosure or use of any information received by the secretary or a designee of the secretary for any purpose other than the purpose provided for in this section shall be a class A nonperson misdemeanor and shall constitute grounds for removal from office or termination of employment. Nothing in this section shall prevent disclosure of any information received by the secretary pursuant to this section to the post auditor in accordance with the provisions of the legislative post audit act.

(c) Whenever the secretary requires fingerprinting, any associated costs shall be paid by the agency or contractor.

Sec. 2. K.S.A. 2016 Supp. 74-2015 is hereby amended to read as follows: 74-2015. Within the division of vehicles, there shall be a supervisor of driver's license examiners and such driver's license examiners as may be needed. ~~Said The~~ supervisor and all such driver's license examiners shall be within the classified service under the Kansas civil service act, except as otherwise provided by the provisions of K.S.A. 75-2935(1)(x) or (1)(cc), and amendments thereto. Any person employed by a third party who has entered into a contract with the department of revenue pursuant to K.S.A. 8-129, and amendments thereto, to provide services of a driver's license examiner shall not be required to be within the classified service under the Kansas civil service act. Such driver's license examiners shall make and conduct all examinations of applicants for operator's and chauffeur's licenses required by law, and shall exercise and enforce the licensing provisions of the operator's and chauffeur's licensing act, and shall perform such other duties as may be prescribed by law or by the director of vehicles. All such driver's license examiners are hereby vested with the power and authority of peace and police officers in the execution of the duties imposed upon them by this act and by the

director of vehicles. The director of vehicles shall determine what, if any, vehicles, equipment and supplies, and insignia of office are needed by driver's license examiners. The property so determined to be needed shall be furnished without expense to such examiners. All property so furnished shall remain the property of the state and be strictly accounted for by each driver's license examiner. The secretary of revenue may adopt rules and regulations for the conduct and duties of driver's license examiners.

Sec. 3. K.S.A. 2016 Supp. 74-2015 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 9; in line 10, by striking all before the period and inserting "the department of revenue; relating to persons with access to federal tax information, fingerprinting; driver's license examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015 and repealing the existing section";

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

STEVE JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

Senator Tyson moved the Senate adopt the Conference Committee Report on **SB 96**.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Baumgardner, Hilderbrand, Olson, Pyle, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 126** 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 Further Amended by House Committee as follows:

On page 1, by striking all in lines 4 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 39; following line 39, by inserting:

"Section 1. (a) The secretary for children and families shall establish a child welfare system task force to study the child welfare system in the state of Kansas. The Kansas department for children and families shall provide administrative assistance to facilitate organization and meetings of any working group convened by the task force.

The department shall provide assistance to working groups to prepare and publish meeting agendas, public notices, meeting minutes and any research, data or information requested by a working group.

(b) The child welfare system task force shall consist of the following members, each to be appointed by the respective appointing authority on or before July 15, 2017:

(1) The chairperson of the senate standing committee on public health and welfare;
(2) the vice-chairperson of the senate standing committee on public health and welfare;

(3) the ranking minority member of the senate standing committee on public health and welfare;

(4) the chairperson of the house standing committee on children and seniors;
(5) the vice-chairperson of the house standing committee on children and seniors;
(6) the ranking minority member of the house standing committee on children and seniors;

(7) the secretary for children and families or the secretary's designee, who shall be a non-voting member;

(8) the director of prevention and protection services for the Kansas department for children and families, who shall be a non-voting member;

(9) one representative from each entity that contracts with the Kansas department for children and families to provide foster care, family preservation, reintegration and permanency placement services, appointed by each such entity, each of whom shall be a non-voting member;

(10) one member appointed by the chief justice of the supreme court;

(11) one representative of Kansas court-appointed special advocates, appointed by the chief justice of the supreme court;

(12) one member of a citizen review board established pursuant to the revised Kansas code for care of children, appointed by the chief justice of the supreme court;

(13) one member representing a foster parent organization, appointed by the judicial council;

(14) one guardian ad litem with experience representing children in child in need of care cases, appointed by the judicial council;

(15) one family law attorney with experience providing legal services to parents and grandparents in child in need of care cases, appointed by the judicial council;

(16) one social worker licensed by the behavioral sciences regulatory board, appointed by the judicial council;

(17) one member of the state child death review board established by K.S.A. 22a-243, and amendments thereto, appointed by the board;

(18) one county or district attorney with experience in child in need of care cases, appointed by the Kansas county and district attorneys association; and

(19) one law enforcement officer, appointed by the Kansas association of chiefs of police.

(c) (1) The chairperson of the house standing committee on children and seniors shall serve as the first chairperson of the child welfare system task force and the chairperson of the senate standing committee on public health and welfare shall serve as the first vice-chairperson of the task force. The position of chairperson and vice-chairperson shall alternate annually upon the first meeting of the task force in each calendar year.

(2) The child welfare system task force may meet in an open meeting at any time and at any place within the state of Kansas upon the call of the chairperson. The task force shall meet at least six times per calendar year.

(3) A majority of the voting members of the child welfare system task force constitute a quorum. Any action by the task force shall be by motion adopted by a majority of voting members present when there is a quorum.

(4) Any vacancy on the child welfare system task force shall be filled by appointment in the manner prescribed in this section for the original appointment.

(d) (1) The child welfare system task force shall convene working groups to study the following topics: The general administration of child welfare by the Kansas department for children and families; protective services; family preservation; reintegration; foster care; and permanency placement.

(2) On or before August 15, 2017, the chairperson and vice-chairperson of the child welfare system task force and the ranking minority members appointed under subsections (b)(3) and (b)(6) shall jointly appoint the chairperson and vice-chairperson of each working group from the members of the task force. The chairperson and vice-chairperson of each working group shall jointly appoint members to the working group, each working group consisting of not more than seven non-task force members and not fewer than two task force members. Any non-task force member appointed to a working group shall possess specific expertise related to the working group's assigned topic of study.

(e) The child welfare system task force and each working group convened by the task force shall study the following topics:

(1) The level of oversight and supervision by the Kansas department for children and families over each entity that contracts with the Kansas department for children and families to provide reintegration, foster care and adoption services;

(2) the duties, responsibilities and contributions of state agencies, nongovernmental entities and service providers that provide child welfare services in the state of Kansas;

(3) the level of access to child welfare services, including, but not limited to, health and mental health services and community-based services, in the state of Kansas;

(4) the increasing number of children in the child welfare system and contributing factors;

(5) the licensing standards for case managers working in the child welfare system; and

(6) any other topic the child welfare system task force or working group deems necessary or appropriate.

(f) The child welfare system task force and each working group convened by the task force shall consider, at a minimum, United States department of health and human services child and family services reviews and child and family services plans and reports relating to foster care prepared by the division of post audit, the 2015 special committee on foster care adequacy and the 2016 special committee on foster care adequacy.

(g) The child welfare system task force shall advise and consult with citizen review boards established pursuant to the revised Kansas code for care of children in conducting the study required by this section.

(h) The Kansas department for children and families shall, upon request by the child welfare system task force, provide data and information relating to the child

welfare system in the state of Kansas that is not otherwise prohibited or restricted from disclosure by state or federal law, including conditions imposed by federal law or rules and regulations for participation in federal programs administered by the secretary for children and families.

(i) The child welfare system task force shall submit a preliminary progress report to the legislature detailing the task force's study under this section on or before January 8, 2018, and a final report to the legislature detailing the task force's study on or before January 14, 2019.

(j) The child welfare system task force's report shall include recommended improvements regarding the safety and well-being of children in the child welfare system in the state of Kansas, including recommended changes to current law, rules and regulations and child welfare system processes, whether an ongoing task force or similar advisory or oversight entity consisting of legislators, attorneys in the area of family law, judges, foster parents, parents with reintegrated children and other interested parties would aid in addressing child welfare system concerns and any other topics the child welfare system task force deems appropriate.

(k) Staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the child welfare system task force, including assistance to a legislative task force member serving on a working group, subject to approval by the legislative coordinating council.

(l) (1) Subject to approval by the legislative coordinating council, members of the child welfare system task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, except that task force members who are employed by a state agency shall be reimbursed by such state agency.

(2) Non-task force members of working groups convened by the child welfare system task force attending meetings of such working groups shall be paid by the Kansas department for children and families amounts provided in K.S.A. 75-3223(e), and amendments thereto, except that non-task force members who are employed by a state agency shall be reimbursed by such state agency.

(m) The provisions of this section shall expire on June 30, 2019.";

On page 1, in the title, in line 1, by striking all after "the" and inserting "child welfare system task force; concerning the study of the child welfare system in the state of Kansas; report to the legislature.";

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

STEPHEN ALFORD
LINDA GALLAGHER
JARROD OUSLEY

Conferees on part of House

VICKI SCHMIDT
BARBARA BOLLIER
LAURA KELLY

Conferees on part of Senate

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **H Sub SB 126**.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Alley, Masterson, Olson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: It is unfortunate that after many years of study in legislative interim and standing committees, in which year after year expose the deficiencies in our child welfare system, we are once again back to the drawing board. It is the job of all child care agencies, departments, and providers to work together on a daily basis to provide safety and security for our most vulnerable families and children. This is their collective job. The job is not being done. It is my hope and desire that the task force will provide clear purpose and direction with aggressive standards and outcomes to hold all agencies and providers accountable. This is the Kansas Way.—JULIA LYNN

Senators Baumgardner, Faust-Goudeau and Fitzgerald request the record to show they concur with the "Explanation of Vote" offered by Senator Lynn on **H Sub SB 126**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Estes moved the Senate concur in House amendments to **H Sub SB 86**.

H Sub SB 86, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; amending K.S.A. 40-4801 and K.S.A. 2016 Supp. 40-4802, 44-1601, 44-1602, 44-1603, 44-1604, 44-1607, 44-1610, 44-1613 and 44-1614 and repealing the existing sections; also repealing K.S.A. 40-4801, as amended by section 4 of 2017 House Substitute for Senate Bill No. 70, and K.S.A. 2016 Supp. 40-4802, as amended by section 5 of 2017 House Substitute for Senate Bill No. 70, 44-1601, as amended by section 6 of 2017 House Substitute for Senate Bill No. 70, 44-1602, as amended by section 7 of 2017 House Substitute for Senate Bill No. 70, 44-1603, as amended by section 8 of 2017 House Substitute for Senate Bill No. 70, 44-1604, as amended by section 9 of 2017 House Substitute for Senate Bill No. 70, 44-1607, as amended by section 10 of 2017 House Substitute for Senate Bill No. 70, 44-1610, as amended by section 11 of 2017 House Substitute for Senate Bill No. 70, 44-1613, as amended by section 12 of 2017 House Substitute for Senate Bill No. 70, 44-1614, as amended by section 13 of 2017 House Substitute for Senate Bill No. 70, and sections 1, 2 and 3 of 2017 House Substitute for Senate Bill No. 70.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Hensley, Holland, Olson, Pettey, Pyle, Rogers.

Absent or Not Voting: Suellentrop.

The Senate concurred.

On motion of Senator McGinn the Senate nonconcurred in the House amendments to **H Sub SB 109** and requested a conference committee be appointed.

The Vice President appointed Senators McGinn, Billinger and Kelly as a conference committee on the part of the Senate.

REPORT ON ENROLLED BILLS

SB 19 reported correctly enrolled, properly signed and presented to the Governor on June 9, 2017.

SR 1757 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 9, 2017.

On motion of Senator Denning, the Senate adjourned until 9:00 a.m., Saturday, June 10, 2017.

Journal of the Senate

EIGHTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, June 10, 2017, 9:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 38 senators present.
Senators Masterson and Suellentrop were excused.
Senator Petersen delivered the invocation:

Father, as we begin what we hope to be the last day of veto session, we once again come before You to ask for wisdom, guidance and patience as we wrap up our time together serving our fellow citizens of our state. We thank You for all of the hard working staff You have blessed us with this year. Give us strength for the tasks we have remaining and safety as we travel home to be with loved ones. Amen

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **H Sub SB 109** and has appointed Representatives Waymaster, Davis and Wolfe Moore as conferees on the part of the House.

MESSAGES FROM THE GOVERNOR

H Sub SB 42; SB 201 approved on June 9, 2017.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

Senator Denning moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **S Sub HB 2002** for the purpose of considering the following bill: **S Sub HB 2002**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2002** 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 15 through 36;

By striking all on pages 2 through 34;

On page 35, by striking all in lines 1 through 36; following line 36 by inserting:

"Section 1. (a) For the fiscal years ending June 30, 2017, June 30, 2018, 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, 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 2018 shall be known and may be cited as the omnibus appropriation act of 2017 and shall constitute the omnibus reconciliation spending limit bill for the 2017 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2. (a) The department of corrections is hereby authorized and directed to pay the following amounts from the El Dorado correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Ruben Warledo #86346	
P.O. Box 311	
El Dorado, KS 67042	\$76.95
Thomas L. Wilson #70525	
P.O. Box 311	
El Dorado, KS 67042	\$24.08

(b) The department of corrections is hereby authorized and directed to pay the following amounts from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Ronnell Burnett #100905	
P.O. Box 1568	
Hutchinson, KS 67504	\$24.50
Joshua Alexander Duque #99972	
P.O. Box 1568	
Hutchinson, KS 67504	\$82.16
Christopher Forbush-Willis	
P.O. Box 311	
El Dorado, KS 67042	\$75.73

(c) The department of corrections is hereby authorized and directed to pay the following amounts from the Lansing correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Matthew Campbell #6010477	
P.O. Box 2	
Lansing, KS 66043	\$36.38
Micky Don Owens #94516	

P.O. Box 2
 Lansing, KS 66043\$63.14
 J&N Ranch, L.L.C.
 25332 Wolcott Road
 Leavenworth, Kansas 66048.....\$23,735

(d) The department of corrections is hereby authorized and directed to pay the following amount from the Larned correctional mental health facility – facilities operations account of the state general fund for property lost to the following claimant:

Darwin Enloe #54505
 1318 Highway 264
 Larned, KS 67550\$7.90

Sec. 3. There is hereby appropriated from the state general fund, as reimbursement for legal costs incurred for sexually violent predator proceedings, the following amount to the following claimant:

County Treasurer
 Barton County
 1400 Main Street
 Great Bend, KS 67530\$22,166.36

Sec. 4. The University of Kansas is hereby authorized and directed to pay the following amount from the state general fund the operating line item for reimbursement of money diverted from the payroll account of a faculty member by a computer hacker to the following claimant:

Paulette Spencer
 7802 N.W. Sunset Dr.
 Parkville, MO 64152\$3,074.87

Sec. 5. The Kansas public employees retirement system is hereby authorized and directed to pay the following amount from the Kansas public employees retirement fund No. 7002 to a former employee of the unified government of Wyandotte county/Kansas City, Kansas for reimbursement of a contribution to the following claimant:

Pearl Durham
 1490 7th Street N.W. #309
 Washington, D.C. 20001\$44.27

Sec. 6. (a) On July 1, 2017, there is hereby appropriated from the state general fund for errors in the amount of reimbursement the city of Roeland Park was owed for tax increment financing reimbursements to the following claimant for a five-year period from 2010 through 2014:

City Treasurer
 City of Roeland Park
 4600 W. 51st Street
 Roeland Park, KS 66205\$27,767.60

(b) On July 1, 2018, there is hereby appropriated from the state general fund for errors in the amount of reimbursement the city of Roeland Park was owed for tax increment financing reimbursements to the following claimant for a five-year period from 2010 through 2014:

City Treasurer
 City of Roeland Park
 4600 W. 51st Street

Roeland Park, KS 66205\$27,767.60

(c) On July 1, 2019, there is hereby appropriated from the state general fund for errors in the amount of reimbursement the city of Roeland Park was owed for tax increment financing reimbursements to the following claimant for a five-year period from 2010 through 2014:

City Treasurer
City of Roeland Park
4600 W. 51st Street
Roeland Park, KS 66205\$27,767.60

(d) On July 1, 2020, there is hereby appropriated from the state general fund for errors in the amount of reimbursement the city of Roeland Park was owed for tax increment financing reimbursements to the following claimant for a five-year period from 2010 through 2014:

City Treasurer
City of Roeland Park
4600 W. 51st Street
Roeland Park, KS 66205\$27,767.60

(e) On July 1, 2021, there is hereby appropriated from the state general fund for errors in the amount of reimbursement the city of Roeland Park was owed for tax increment financing reimbursements to the following claimant for a five-year period from 2010 through 2014:

City Treasurer
City of Roeland Park
4600 W. 51st Street
Roeland Park, KS 66205\$27,767.60

Sec. 7. 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:

- James D. Jones
25761 Limit Rd.
Winchester, KS 66097\$377.14
- Patrick R. Leonard
14655 S. Moonlight Rd.
Olathe, KS 66061\$52.44
- Peterson Farm & Livestock Inc.
1339 E. Rose Hill Rd.
Assaria, KS 67416\$118.20
- Rawlin County Hwy Department
12303 Hwy 25
Atwood, KS 67730\$1,744.70
- Jimmy A. Smith
12049 S.W. 180th
Rose Hill, KS 67133\$53.40
- U.S.D. 113 Prairie Hills
1619 S. Old Hwy 75
Sabetha, KS 66534\$1,416.02

U.S.D. 234 Fort Scott 424 Main St. Ft. Scott, KS 66701	\$5,235.52
U.S.D. 247 Cherokee 506 S. Smelter Cherokee, KS 66724	\$187.90
U.S.D. 267 Renwick P.O. Box 68 Andale, KS 67001	\$3,741.43
Wildcat Concrete Serv. Inc. P.O. Box 750075 Topeka, KS 66675	\$83.84

Sec. 8. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 7, and amendments thereto, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 through 7 of this act, and amendments thereto, 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. 9.

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, 2018.....	\$26,103
For the fiscal year ending June 30, 2019.....	\$25,702

Sec. 10.

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, 2018.....	\$383,151
<i>Provided</i> , That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$1,200.	
For the fiscal year ending June 30, 2019.....	\$387,029

Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$1,200.

Special litigation reserve fund (028-00-2715-2700)

For the fiscal year ending June 30, 2018.....No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2019.....No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2018, the executive director of the 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, 2018, 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, 2019, 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, 2019, 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. 11.

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, 2018.....\$11,036,122
Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2018, 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, 2018, for official hospitality for the division of banking shall not exceed \$1,000: *And provided further*; That during the fiscal year ending June 30, 2018, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the bank commissioner fee fund for fiscal year 2018 by the above agency by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from such fund to pay attorney fees and litigation costs in an amount not to exceed \$76,650.

For the fiscal year ending June 30, 2019.....\$11,501,770
Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2019, 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, 2019, 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, 2018.....No limit

For the fiscal year ending June 30, 2019.....No limit

Consumer education settlement fund (094-00-2560-2500)

For the fiscal year ending June 30, 2018.....No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2018, 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, 2019.....No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2019, 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, 2018.....No limit

Provided, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2018, 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, 2018, 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, 2019.....No limit

Provided, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2019, 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, 2019, 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, 2018, and June 30, 2019, 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).

(c) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$534,517 from the state general fund to the bank commissioner fee fund (094-00-2811) of the state bank commissioner.

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, 2018.....\$187,347

Provided, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2019.....\$187,070

Provided, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2019, 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, 2018.....\$755,552

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2018, 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, 2018, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2018.

For the fiscal year ending June 30, 2019.....\$773,229

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2019, 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, 2019, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2019.

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, 2018.....\$5,257,316

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2018, 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, 2018, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2018.

For the fiscal year ending June 30, 2019.....\$5,380,778

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2019, 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, 2019, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2019.

Medical records maintenance trust fund (105-00-7206-7200)

For the fiscal year ending June 30, 2018.....\$35,000

For the fiscal year ending June 30, 2019.....\$35,000

Sec. 15.

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, 2018.....\$1,005,815

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2019.....\$1,008,870

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$2,000.

Sec. 16.

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, 2018.....\$1,186,661

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2019.....\$1,211,609

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$300.

Sec. 17.

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, 2018.....\$415,280

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2019..... \$420,000

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$500.

Special litigation reserve fund (167-00-2749-2000)

For the fiscal year ending June 30, 2018.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2019.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2018, the executive director of the Kansas dental board, with the approval of the director of the budget, may transfer moneys from the dental board fee fund (167-00-2708-0100) to the special litigation reserve fund (167-00-2749-2000) of the Kansas dental board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2018, shall not exceed \$50,000: *Provided further*, That the executive director of the Kansas dental 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. 18.

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, 2018.....	\$292,846
For the fiscal year ending June 30, 2019.....	\$321,958

Sec. 19.

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, 2018.....	\$27,043
For the fiscal year ending June 30, 2019.....	\$26,290
Hearing instrument litigation fund (266-00-2136-2136)	
For the fiscal year ending June 30, 2018.....	No limit

Provided, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2019.....	No limit
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Provided, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is

not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

Sec. 20.

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, 2018.....\$2,541,423

Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2019.....\$2,594,467

Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$500.

Gifts and grants fund (482-00-7346-4000)

For the fiscal year ending June 30, 2018.....No limit

For the fiscal year ending June 30, 2019.....No limit

Education conference fund (482-00-2209-0100)

For the fiscal year ending June 30, 2018.....No limit

For the fiscal year ending June 30, 2019.....No limit

Criminal background and fingerprinting fund (482-00-2745-2700)

For the fiscal year ending June 30, 2018.....No limit

For the fiscal year ending June 30, 2019.....No limit

Sec. 21.

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, 2018.....\$161,360

Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$600.

For the fiscal year ending June 30, 2019.....\$162,369

Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$600.

Optometry litigation fund (488-00-2547-2547)

For the fiscal year ending June 30, 2018.....No limit

Provided, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in

the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2019.....No limit

Provided, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which 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, 2018.....No limit

For the fiscal year ending June 30, 2019.....No limit

(b) During the fiscal year ending June 30, 2018, the executive officer of the board of examiners in optometry, with the approval of the director of the budget, may transfer moneys from the optometry fee fund (488-00-2717-0100) to the optometry litigation fund (488-00-2547-2547) of the board of examiners in optometry: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2018, shall not exceed \$50,000: *Provided further*, That the executive officer of the board of examiners in optometry 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, 2019, the executive officer of the board of examiners in optometry, with the approval of the director of the budget, may transfer moneys from the optometry fee fund (488-00-2717-0100) to the optometry litigation fund (488-00-2547-2547) of the board of examiners in optometry: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2019, shall not exceed \$50,000: *Provided further*, That the executive officer of the board of examiners in optometry 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. 22.

STATE BOARD OF PHARMACY

(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:

State board of pharmacy fee fund (531-00-2718-0100)

For the fiscal year ending June 30, 2018.....\$1,435,882

Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$1,500.

For the fiscal year ending June 30, 2019.....\$1,468,285

Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$1,500.

State board of pharmacy litigation fund (531-00-2733-2700)

For the fiscal year ending June 30, 2018.....No limit

Provided, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2019.....No limit

Provided, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which 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, 2018.....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 2018: *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 2018 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, 2019.....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 2019: *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 2019 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, 2018.....No limit

For the fiscal year ending June 30, 2019.....No limit

(b) During the fiscal year ending June 30, 2018, 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, 2018, 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.

(c) During the fiscal year ending June 30, 2019, 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, 2019, 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.

(d) On July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, 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. 2016 Supp. 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 2018 shall not exceed \$36,000.

(e) On July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, 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. 2016 Supp. 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 2019 shall not exceed \$37,000.

(f) On July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, 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. 2016 Supp. 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 2018 shall not exceed \$18,000.

(g) On July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, 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. 2016 Supp. 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 2019 shall not exceed \$18,000.

(h) On July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, 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. 2016 Supp. 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 2018

shall not exceed \$107,000.

(i) On July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, 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. 2016 Supp. 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 2019 shall not exceed \$109,500.

(j) On July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, 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. 2016 Supp. 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 2018 shall not exceed \$6,500.

(k) On July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, 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. 2016 Supp. 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 2018 shall not exceed \$6,500.

Sec. 23.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year 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, 2018.....	\$158,714
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2019.....	\$160,467
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$500.	
Federal registry clearing fund (543-00-7752-7000)	
For the fiscal year ending June 30, 2018.....	No limit
For the fiscal year ending June 30, 2019.....	No limit
AMC federal registry clearing fund (543-00-7755-7755)	
For the fiscal year ending June 30, 2018.....	No limit
For the fiscal year ending June 30, 2019.....	No limit
Appraisal management companies fee fund (543-00-2138-2138)	
For the fiscal year ending June 30, 2018.....	\$158,713
For the fiscal year ending June 30, 2019.....	\$160,467

Sec. 24.

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, 2018.....	\$1,183,621
<i>Provided</i> , That expenditures from the real estate fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$1,000: <i>Provided further</i> , That during the fiscal year ending June 30, 2018, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the real estate commission fee fund for fiscal year 2018 by the above agency by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the above agency from such fund to pay attorney fees and litigation costs in an amount not to exceed \$28,350.	
For the fiscal year ending June 30, 2019.....	\$1,149,233
<i>Provided</i> , That expenditures from the real estate fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$1,000.	
Real estate recovery revolving fund (549-00-7368-4200)	
For the fiscal year ending June 30, 2018.....	No limit
For the fiscal year ending June 30, 2019.....	No limit
Background investigation fee fund (549-00-2722-2700)	
For the fiscal year ending June 30, 2018.....	No limit
<i>Provided</i> , 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, 2019.....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.

(b) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$195,671 from the state general fund to the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission.

Sec. 25.

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, 2018.....\$714,864

Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2019.....\$754,388

Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund (663-00-2739-0200)

For the fiscal year ending June 30, 2018.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2019.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

Sec. 26.

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, 2018.....	\$348,480
For the fiscal year ending June 30, 2019.....	\$356,987

Sec. 27.

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, 2018.....	\$369,715

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 2018.

For the fiscal year ending June 30, 2019.....	\$372,176
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the 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, 2018.....	\$252,890
For the fiscal year ending June 30, 2019.....	\$263,951

Sec. 28.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Legislative coordinating council – operations (422-00-1000-0100).....	\$537,812
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Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 2018 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).....	\$3,530,974
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Provided, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Office of revisor of statutes – operations (579-00-1000-0103).....	\$3,062,451
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Provided, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Child welfare system task force.....	\$200,000
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Provided, That expenditures may be made by the above agency from the child

welfare system task force account to procure the services of an organization to facilitate and organize meetings of the child welfare system task force and to pay travel expenses for child welfare system task force members attending meetings authorized by such task force: *Provided, however,* That, as a prerequisite for making such expenditures, the secretary for children and families shall certify to the legislative coordinating council that the Kansas department for children and families has attempted in good faith to procure such services at no monetary cost: *And provided, however,* That, if 2017 House Substitute for Senate Bill No. 126, or any other legislation that establishes a child welfare system task force, is not passed by the legislature during the 2017 regular session and enacted into law, then on July 1, 2017, all moneys in the child welfare system task force account are hereby lapsed: *Provided further,* That, if such lapse occurs, then on July 1, 2017, or as soon thereafter as such lapse occurs, the director of accounts and reports shall transfer \$200,000 from the state general fund to the Kansas endowment for youth fund (365-00-7000-2000) of the Kansas public employees retirement system.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund
 (425-00-2111-2000).....No limit
 Sec. 29.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Legislative coordinating council – operations (422-00-1000-0100).....\$551,703

Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 2019 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).....\$3,600,397

Provided, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Office of revisor of statutes – operations (579-00-1000-0103).....\$3,113,893

Provided, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Any unencumbered balance in excess of \$100 as of June 30, 2018, in the following account is hereby reappropriated for fiscal year 2019: Child welfare system task force.

(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:

Legislative research department special revenue fund
(425-00-2111-2000).....No limit
Sec. 30.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operations (including official hospitality) (428-00-1000-0103).....\$500,000
Sec. 31.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operations (including official hospitality) (428-00-1000-0103).....\$13,835,337

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 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: *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 2018 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 2018: *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 2018: *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 2018: *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 2018: *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.

Legislative information system (428-00-1000-0300).....\$5,012,249

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 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 2018 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 2018: *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 2018: *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 2018: *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 2018.

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. 32.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operations (including official hospitality) (428-00-1000-0103).....\$14,323,692

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 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: *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 2019 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 2019: *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 2019: *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 2019: *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 2019: *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 2019, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 2019 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).....\$5,042,368

(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:

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 2019 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 2019: *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 2019: *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 2019: *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 2019.

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, redistricting advisory group, 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. 33.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operations (including legislative post audit committee) (540-00-1000-0100).....\$2,467,048

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund (540-00-9204-9000).....No limit

Provided, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: *Provided further*; That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies 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 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 audit services fund.

Conversion of materials and equipment fund (540-00-2416-2000).....No limit

State agency audits fund (540-00-2200-2100).....No limit

(c) Notwithstanding the provisions of any statute, during the fiscal year ending June 30, 2018, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2018, from the state general fund or in any special revenue fund or funds for such state agency by this or other appropriation act of the 2017 regular session of the legislature to pay for any monumental building surcharge charged by the department of administration or any other state agency. During the fiscal year ending June 30, 2018, the above agency shall not be liable to pay and shall be exempt from such surcharge.

Sec. 34.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operations (including legislative post audit committee) (540-00-1000-0100).....\$2,499,604

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund (540-00-9204-9000).....No limit
Provided, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: *Provided further*, That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies 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 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 audit services fund.

Conversion of materials and equipment fund (540-00-2416-2000).....No limit
State agency audits fund (540-00-2200-2100).....No limit

(c) Notwithstanding the provisions of any statute, during the fiscal year ending June 30, 2019, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2019, from the state general fund or in any special revenue fund or funds for such state agency by this or other appropriation act of the 2017 or 2018 regular session of the legislature to pay for any monumental building surcharge charged by the department of administration or any other state agency. During the fiscal year ending June 30, 2019, the above agency shall not be liable to pay and shall be exempt from such surcharge.

Sec. 35.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Governor's department (252-00-1000-0503).....\$2,182,242
Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor: *And provided further*, That any unencumbered balance in the lieutenant governor – operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018 to the governor's department account.

Domestic violence prevention grants (252-00-1000-0600).....\$4,608,551
Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$800,398
Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, 2018, 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, 2018, 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, 2018, 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.

Lieutenant governor special programs fund (446-00-2940-2010).....No limit

Provided, That expenditures may be made from the lieutenant governor special programs fund for operating expenditures for the lieutenant governor, including conferences and official hospitality: *Provided further*, That the lieutenant 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 lieutenant governor 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 lieutenant governor special program fund.

Hispanic and Latino American affairs fee fund (252-00-2627-2600).....No limit

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
 Federal grants fund (252-00-3050-3050).....No limit
 Justice assistance grant – federal fund (252-00-3125-3200).....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 (252-00-2767-2700).....No limit
 Kansas commission on disability concerns – gifts, grants
 and donations 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 (252-00-3006-3011).....No limit
 Arrest grant – federal fund (252-00-3082-3040).....No limit
 National criminal history improvement program – federal fund
 (252-00-3189-3192).....No limit
 Violence against women grant – federal fund (252-00-3214-3211).....No limit
 Coverdell forensic science improvement – federal fund
 (252-00-3227-3232).....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 (252-00-3460-3474).....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
 (252-00-3757-3758).....No limit
 Prison rape elimination act – federal fund (252-00-3758-3756).....No limit

John R Justice grant – federal fund (252-00-3802-3804).....No limit
 (e) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,343 from the medicaid fraud prosecution revolving fund (082-00-2641-2280) of the attorney general to the domestic violence grants fund (252-00-2014-2014) of the governor's department.

(f) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$33,348 from the medicaid fraud prosecution revolving fund (082-00-2641-2280) of the attorney general to the child advocacy centers grants fund (252-00-2024-2024) of the governor's department.

(g) During fiscal year 2018, if the state of Kansas has a newly appointed lieutenant governor, then on the effective date of such appointment, of the \$2,182,242 appropriated for the above agency for the fiscal year ending June 30, 2018, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503), an amount equal to any amount paid in excess of \$1,204.35 per biweekly pay period multiplied by the number of biweekly pay periods remaining in fiscal year 2018 is hereby lapsed: *Provided*, That the compensation paid to such newly appointed lieutenant governor shall not exceed the amount in K.S.A. 75-3103(a), and amendments thereto.

Sec. 36.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Governor's department (252-00-1000-0503).....\$2,182,036

Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$4,611,457

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$801,041

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 2019, 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, 2019, 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, 2019, 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.

Lieutenant governor special programs fund (446-00-2940-2010).....No limit
Provided, That expenditures may be made from the lieutenant governor special programs fund for operating expenditures for the lieutenant governor, including conferences and official hospitality: *Provided further*, That the lieutenant 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 lieutenant governor 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 lieutenant governor special program fund.

Hispanic and Latino American affairs fee fund (252-00-2627-2600).....No limit
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
Federal grants fund (252-00-3050-3050).....	No limit
Justice assistance grant – federal fund (252-00-3125-3200).....	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 (252-00-2767-2700).....	No limit
Kansas commission on disability concerns – gifts, grants and donations 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 (252-00-3006-3011).....	No limit
Arrest grant – federal fund (252-00-3082-3040).....	No limit
National criminal history improvement program – federal fund (252-00-3189-3192).....	No limit
Violence against women grant – federal fund (252-00-3214-3211).....	No limit
Coverdell forensic science improvement – federal fund (252-00-3227-3232).....	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 (252-00-3460-3474).....	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 (252-00-3757-3758).....	No limit
Prison rape elimination act – federal fund (252-00-3758-3756).....	No limit
John R Justice grant – federal fund (252-00-3802-3804).....	No limit

(e) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,343 from the medicaid fraud prosecution revolving fund (082-00-2641-2280) of the attorney general to the domestic violence grants fund (252-00-2014-2014) of the governor's department.

(f) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$33,348 from the medicaid fraud prosecution revolving fund (082-00-2641-2280) of the attorney general to the child advocacy

centers grants fund (252-00-2024-2024) of the governor's department.

(g) During fiscal year 2019, if the state of Kansas has a newly appointed lieutenant governor, then on the effective date of such appointment, of the \$2,182,036 appropriated for the above agency for the fiscal year ending June 30, 2019, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503), an amount equal to any amount paid in excess of \$1,204.35 per biweekly pay period multiplied by the number of biweekly pay periods remaining in fiscal year 2019 is hereby lapsed: *Provided*, That the compensation paid to such newly appointed lieutenant governor shall not exceed the amount in K.S.A. 75-3103(a), and amendments thereto.

Sec. 37.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (082-00-1000).....\$5,216,867
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, 2017, is hereby reappropriated for fiscal year 2018.

Abuse, neglect and exploitation unit (082-00-1000-0500).....\$121,197
Provided, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, 2018, 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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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
Provided, 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: *Provided further*, 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: *And provided
 further*, 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: *And provided further*, 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
Provided, That expenditures from the crime victims compensation fund for state
 operations shall not exceed \$463,276: *Provided further*, 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
Provided, 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
Provided, 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. 2016 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 (082-00-2311-2290).....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 prtnt/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
 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
Provided, 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. 2016 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.....	No limit
Attorney general's state agency representation fund.....	No limit

(c) During the fiscal year ending June 30, 2018, 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, 2018, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2018 from the state general fund for the attorney general to another item of appropriation for fiscal year 2018 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, 2017, 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, 2017, 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, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the medicaid fraud prosecution revolving fund (082-00-2641-2280) of the attorney general to the state general fund.

Sec. 38.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (082-00-1000).....\$5,252,126

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 2018, is hereby reappropriated for fiscal year 2019.

Abuse, neglect and exploitation unit (082-00-1000-0500).....\$121,012

Provided, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 2019, 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
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(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:

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

Provided, 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: *Provided further*; 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: *And provided further*; 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: *And provided further*; 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

Provided, That expenditures from the crime victims compensation fund for state operations shall not exceed \$467,173: *Provided further*; 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

Provided, 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

Provided, 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. 2016 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 (082-00-2311-2290).....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 prtnt/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
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. 2016 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.....	No limit
Attorney general's state agency representation fund.....	No limit

(c) During the fiscal year ending June 30, 2019, 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, 2019, the attorney general, 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 attorney general to another item of appropriation for fiscal year 2019 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, 2018, 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, 2018, 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, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the medicaid fraud prosecution

revolving fund (082-00-2641-2280) of the attorney general to the state general fund.
Sec. 39.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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
<i>Provided</i> , That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,500.	
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
Voting access – disabled individuals federal fund (622-00-3395-3395).....	No limit
Cemetery maintenance and merchandise fee fund (622-00-2736-2736).....	No limit
Franchise fee recovery fund (622-00-2675-2800).....	No limit

(b) During the fiscal year ending June 30, 2018, 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 2018 by the above agency by this or other appropriation act of the 2017 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 2018 regular session of the legislature and detailing costs to local units of governments for conducting elections that include proposed constitutional amendments.

Sec. 40.

SECRETARY OF STATE

(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 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
<i>Provided</i> , That expenditures from the information and services fee fund for official	

hospitality shall not exceed \$2,500.

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
Voting access – disabled individuals federal fund (622-00-3395-3395).....	No limit
Cemetery maintenance and merchandise fee fund (622-00-2736-2736).....	No limit
Franchise fee recovery fund (622-00-2675-2800).....	No limit

(b) 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 from any special revenue fund or funds for fiscal year 2019 by the above agency by this or other appropriation act of the 2017 or 2018 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 2019 regular session of the legislature and detailing costs to local units of governments for conducting elections that include proposed constitutional amendments.

Sec. 41.

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, 2018, 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).....	\$1,697,950
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Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the

moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2018, the state treasurer is hereby authorized and directed to credit the first \$1,697,950 received and deposited in the state treasury to the state treasurer operating fund: *Provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2018 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2018 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services 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. 2016 Supp. 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 2018, 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 2018, 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. 2016 Supp. 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. 2016 Supp. 74-50,121, and amendments thereto, unless the context requires otherwise.

Kansas postsecondary education savings program trust

fund (670-00-7241-7100).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 2016 Supp. 75-650(f), and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2018, for the purpose of matching contributions of qualified applicants.

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 2018, 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. 2016 Supp. 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 2018, 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. 2016 Supp. 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 2018, 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. 2016 Supp. 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 2018, 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. 2016 Supp. 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 2018, 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. 2016 Supp. 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 2018, 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. 2016 Supp. 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, 2018, 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 2018, 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 2018 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 2018, 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. 2016 Supp. 75-648, and amendments thereto, or any other statute, on July 1, 2017, 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. 42.

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, 2019, 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).....\$1,714,681

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 \$1,714,681 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 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. 2016 Supp. 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 2019, 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 2019, 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. 2016 Supp. 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. 2016 Supp. 74-50,121, and amendments thereto, unless the context requires otherwise.

Kansas postsecondary education savings program trust fund
(670-00-7241-7100).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 2016 Supp. 75-650(f), and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2019, for the purpose of matching contributions of qualified applicants.

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 2019, 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. 2016 Supp. 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 2019, 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. 2016 Supp. 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 2019, 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. 2016 Supp. 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 2019, 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. 2016 Supp. 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 2019, 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. 2016 Supp. 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 2019, 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. 2016 Supp. 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, 2019, 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 2019, 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 2019 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 2019, 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. 2016 Supp. 75-648, and amendments thereto, or any other statute, on July 1, 2018, 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. 43.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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
Conversion of materials and equipment fund (331-00-2412-2300).....No limit
Commissioner's travel reimbursement fund (331-00-9090-9200).....No limit

Provided, That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: *Provided further*, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.

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: *Provided further*, That, pursuant to the provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, one or more transfers may be made during fiscal year 2018 from the state firefighters relief fund to the insurance department service regulation fund to repay the amount that was borrowed for the special distribution in fiscal year 2008 pursuant to section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, relating to the overpayment to the firefighters relief association for Manhattan, KS: *And provided further*, That, as used in this proviso: (1) "2018 formula amount" means the amount determined in accordance with the formula and other provisions of K.S.A. 40-1706, and amendments thereto, for the firefighters relief association for Manhattan, KS, for fiscal year 2018; (2) "2008 payment amount" means the amount actually paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2008; and (3) "2018 repayment amount" means the difference between the 2018 formula amount and the 2008 payment amount: *And provided further*, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, the amount of the distribution to be paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2018 shall not exceed the 2008 payment amount: *And provided further*, That the commissioner of insurance shall certify the 2018 repayment amount to the director of accounts and reports and the outstanding amount that remains to be repaid to the insurance department service regulation fund pursuant to the provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas after the transfer to the insurance department service regulation fund pursuant to this proviso: *And provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount equal to the 2018 repayment amount from the state firefighters relief fund to the insurance department service regulation fund: *And provided further*, That, at the same time that the commissioner of insurance transmits such certification to the director of accounts and reports, the commissioner of insurance shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

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 2018 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.

Affordable care act – federal fund.....No limit
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.....No limit
Securities act fee fund.....\$3,128,483

Provided, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$2,000.

Investor education and protection fund.....No limit
Provided, That expenditures from the investor education and protection fund for the fiscal year ending June 30, 2018, for official hospitality shall not exceed \$5,000.

(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 2018 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 2018 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, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,031,250 from the insurance department service regulation fund (331-00-2270-2400) of the insurance department to the state general fund.

(d) On July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of any statute, the director of accounts and reports shall transfer \$31,250 from the securities act fee fund of the insurance department to the state general fund.

(e) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,355,000 from the state general fund to the workers' compensation fund (331-00-7354-7000) of the insurance department.

Sec. 44.

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, 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:

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

Conversion of materials and equipment fund (331-00-2412-2300).....No limit

Commissioner's travel reimbursement fund (331-00-9090-9200).....No limit

Provided, That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: *Provided further*, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.

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: *Provided further*, That, pursuant to the provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, one or more transfers may be made during fiscal year 2019 from the state firefighters relief fund to the insurance department service regulation fund to repay the amount that was borrowed for the special distribution in fiscal year 2008 pursuant to section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, relating to the overpayment to the firefighters relief association for Manhattan, KS: *And provided further*, That, as used in this proviso: (1) "2019 formula amount" means the amount determined in accordance with the formula and other provisions of K.S.A. 40-1706, and amendments thereto, for the firefighters relief association for Manhattan, KS, for fiscal year 2019; (2) "2008 payment amount" means the amount actually paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2008; and (3) "2019 repayment amount" means the difference between the 2019 formula amount and the 2008 payment amount: *And provided further*, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, the amount of the distribution to be paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2019 shall not exceed the 2008 payment amount: *And provided further*, That the commissioner of insurance shall certify the 2019 repayment amount to the director of accounts and reports and the outstanding amount that remains to be repaid to the insurance department service regulation fund pursuant to the provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas after the transfer to the insurance department service regulation fund pursuant to this proviso: *And provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount equal to the 2019 repayment amount from the state firefighters relief fund to the insurance department service regulation fund: *And provided further*, That, at the same time that the commissioner of insurance transmits such certification to the director of accounts and reports, the commissioner of insurance shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

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 2019 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.

Affordable care act – federal fund.....No limit
 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.....No limit
 Securities act fee fund.....\$3,010,978

Provided, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$2,000.

Investor education and protection fund.....No limit
Provided, That expenditures from the investor education and protection fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$5,000.

(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 2019 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 2019 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, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,062,500 from the insurance department service regulation fund (331-00-2270-2400) of the insurance department to the state general fund.

(d) On July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of any statute, the director of accounts and reports shall transfer \$62,500 from the securities act fee fund of the insurance department to the state general fund.

Sec. 45.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, 2018, 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).....\$2,137,650
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. 46.

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, 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:

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, 2019, 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).....\$2,144,838
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. 47.

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, 2018, 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, 2018, 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, 2018, 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. 48.

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, 2019, 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, 2019, 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, 2019, 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. 49.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 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
(b) On June 30, 2018, notwithstanding the provisions of K.S.A. 20-2207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund (349-00-2297-2000) as of June 30, 2018, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee 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 which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That, when the judicial council must expend moneys for unforeseen and unbudgeted items, such moneys shall be paid first from the judicial council fund (349-00-2127-2100) and then from the publication fees fund.

Sec. 50.

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, 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:

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
(b) On June 30, 2019, notwithstanding the provisions of K.S.A. 20-2207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund (349-00-2297-2000) as of June 30, 2019, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee 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 which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That, when the judicial council must expend moneys for unforeseen and unbudgeted items, such moneys shall be paid first

from the judicial council fund (349-00-2127-2100) and then from the publication fees fund.

Sec. 51.

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, 2017, the following:

Assigned counsel expenditures (328-00-1000-0700).....\$1,300,000

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, 2018, the following:

Operating expenditures (328-00-1000-0603).....\$12,775,429

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$10,050,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2018: *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).....\$2,540,891

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the capital defense operations account is hereby reappropriated for fiscal year 2018: *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, 2017, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2018: *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).....\$1,908,796

Provided, That any unencumbered balance in the litigation support account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, 2018, 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, 2018, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2018 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.

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, 2019, the following:

Operating expenditures (328-00-1000-0603).....\$12,789,779
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$10,050,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2019: *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).....\$2,942,507

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the capital defense operations account is hereby reappropriated for fiscal year 2019: *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, 2018, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2019: *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, 2018, is hereby reappropriated for fiscal year 2019.

(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:

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, 2019, 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, 2019, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2019 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.

Sec. 54.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Judiciary operations (677-00-1000).....\$100,531,677

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, 2017, 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.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Judiciary operations (677-00-1000).....	\$101,264,935
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Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 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:

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, 2018, 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. 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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund (365-00-7002-7000).....	No limit
<i>Provided</i> , 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
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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 KDFA 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 2018: *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, 2018.

(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, 2018, for the following specified purposes:

Agency operations (365-00-7002-7400).....	\$12,250,614
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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, 2018, for the following specified purposes:

Agency operations (365-00-2277-2210).....	\$120,437
Investment-related expenses (365-00-2277-2220).....	No limit

(d) On July 1, 2017, 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, 2017, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$41,751,540.

(e) On July 1, 2017, 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 (365-00-7000-2000) of the Kansas public employees retirement system to the state

general fund.
Sec. 57.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas 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 KDFA 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 2019: *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, 2019.

(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, 2019, for the following specified purposes:

Agency operations (365-00-7002-7400).....\$12,388,828

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, 2019, for the following specified purposes:

Agency operations (365-00-2277-2210).....\$127,536
Investment-related expenses (365-00-2277-2220).....No limit

(d) On July 1, 2018, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by K.S.A. 38-2102(d)(4), and amendments thereto, to be transferred on July 1, 2018, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$41,751,688.

Sec. 58.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (058-00-1000-0103).....\$1,044,766

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018:

Provided, however; That expenditures from this account for official hospitality shall not exceed \$500: *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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal fund (058-00-3016-3000).....No limit
Conversion of materials and equipment fund (058-00-2404-1300).....No limit
Annual banquet fund (058-00-2611-1400).....No limit

Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: *Provided further*; That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*; That all fees received for such banquet 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 annual banquet fund.

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.

Sec. 59.

KANSAS HUMAN RIGHTS COMMISSION

(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 (058-00-1000-0103).....\$1,051,700

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 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:

Federal fund (058-00-3016-3000).....No limit

Conversion of materials and equipment fund (058-00-2404-1300).....No limit

Annual banquet fund (058-00-2611-1400).....No limit

Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*, That all fees received for such banquet 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 annual banquet fund.

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.

Sec. 60.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 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 2018 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 2018, 2019 and 2020.

- 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, 2018, 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 2018 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, 2018, 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, which 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, 2018, 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, 2018, 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, \$2,000.

(f) During the fiscal year ending June 30, 2018, 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, 2017, 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, 2017, 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, 2018, 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. 61.

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, 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 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 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 2019 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 2018, 2019 and 2020.

- 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
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditure, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: <i>Provided further</i> ; That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: <i>And provided further</i> ; 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: <i>And provided further</i> ; 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, 2019, 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 2019 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, 2019, 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, which 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, 2019, 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, 2019, 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, \$2,000.

(f) During the fiscal year ending June 30, 2019, 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, 2018, 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, 2018, 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, 2019, 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. 62.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund (122-00-2030-2000).....\$960,382

(b) During the fiscal year ending June 30, 2018, 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 2018 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2017 or 2018 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 2017, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2017 may be expended from the utility regulatory fee fund for fiscal year 2018 pursuant to contracts for professional services and any such expenditure for fiscal year 2018 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2018.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2018, 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. 63.

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, 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:

Utility regulatory fee fund (122-00-2030-2000).....\$977,671

(b) During the fiscal year ending June 30, 2019, 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 2019 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2017 or 2018 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 2018, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2018 may be expended from the utility regulatory fee fund for fiscal year 2019 pursuant to contracts for professional services and any such expenditure for fiscal year 2019 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2019.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2019, 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. 64.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, during fiscal year 2017, the aggregate amount lapsed from appropriations from the state general fund and amounts transferred from special revenue funds pursuant to section 81(s) of chapter 104 of the 2015 Session Laws of Kansas is hereby decreased from \$15,000,000 or more to \$6,063,900 or more.

Sec. 65.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (173-00-1000-0200).....\$4,644,292

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$1,456,592

Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$241,601

Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service (173-00-1000-0440).....\$64,438,005

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2018, the following:

KPERS bond debt service (173-00-1700-1704).....\$35,698,913

Public broadcasting digital conversion debt service (173-00-1700-1703).....\$440,057

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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. 2016 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 administration: *Provided further*; That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: *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
Docking state office building rehab, repair and razing fund (173-00-2938-2938).....	\$0
Digital imaging program fund (173-00-6121-6121).....	No limit

Provided, That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.

On-site state employee health clinic fund.....\$2,700,000

Provided, That expenditures from the on-site state employee health clinic fund shall be used by the above agency during fiscal year 2018 to procure the services of a vendor to establish an on-site state employee health clinic, including any services necessary to construct, renovate and operate such clinic: *Provided further*, That such clinic may be located on property owned or leased by the state of Kansas: *And provided further*, That except as provided further, any procurement contract solicited and executed pursuant to this proviso shall be subject to the competitive bid requirements established in K.S.A. 75-3737a et seq., and amendments thereto: *Provided, however*, That the above agency may consider cost avoidance and return on investment when determining the lowest responsible bidder: *And provided further*, That any procurement contract executed pursuant to this proviso shall include, at a minimum, the following requirements of the vendor: (1) Employing a physician licensed by the state board of healing arts to oversee

the clinic; (2) providing clinic services to state employees free of charge or, for state employees who participate in the state health care benefits program and who elect a high-deductible health plan and health savings account, for the minimum charge permissible by federal law; (3) establishing and maintaining an online, secure patient portal that allows secure messaging with clinic healthcare providers, including an electronic option for a patient to interact with a clinic healthcare provider to access and receive care using a computer, tablet or phone, scheduling and access to the patient's personal medical record; (4) offering, at a minimum, the following services at the clinic: General primary healthcare services; limited supply and dispensing of medications, to the extent permitted under the pharmacy act of the state of Kansas; on-site laboratory services that are granted waived status under the federal clinical laboratory improvement amendments of 1988 by the United States food and drug administration; third-party laboratory services that are not granted such waived status; behavioral health services; and physical medicine services; (5) offering clinic services that align with the state of Kansas health and wellness program administered by the department of health and environment and the Kansas state employees health care commission; (6) providing data security for all clinic and patient data and shall not contract with or otherwise rely upon a third party to provide such security; (7) providing an electronic medical record system that is interoperable, that enables the exchange of health data with outside electronic medical record systems, public health entities, clinicians, administrative staff and health provider organizations and that enables healthcare providers to view health data within the healthcare provider's work flow from other healthcare providers across healthcare delivery venues; and (8) preparing a report detailing cost avoidance and return on investment over a period of five years and shall submit such report to the secretary of administration, the house of representatives standing committee on appropriations and the senate standing committee on ways and means: *And provided further*; That the contract shall include performance guarantees, including, but not limited to, guarantees related to: Patient experience, including patient satisfaction, wait time and complaint resolution; compliance and reporting, establishment of criteria for providing financial or clinic incentives to state employees who participate in the state of Kansas health and wellness program administered by the department of health and environment and the Kansas state employees health care commission: *And provided further*; That the above agency shall advise and consult with the Kansas state employees health care commission regarding the establishment of the on-site state employee health clinic described in this proviso, including any bids submitted to establish the on-site state employee health clinic: *And provided further*; That the above agency shall advise and consult with the joint committee on state building construction regarding the identification and selection of space and premises to establish the on-site state employee health clinic described in this proviso: *And provided further*; That the above agency shall advise and consult with the department of health and environment regarding the operation of the on-site state employee health clinic described in this proviso: *And provided, however*; That the construction or renovation of premises related to the establishment of an on-site state employee health clinic pursuant to this proviso shall not exceed the sum of \$500,000.

(d) On July 1, 2017, 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.

(e) During the fiscal year ending June 30, 2018, 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.

(f) 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 2018 by this or other appropriation act of the 2017 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 2018 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.

(g) (1) On July 1, 2017, 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 which shall be equal to 50% 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, 2018, except that such amount shall be proportionally adjusted during fiscal year 2018 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2018. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2018 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 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 2018.

(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.

(h) (1) On July 1, 2017, 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 which 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, 2018, except that such amount shall be proportionally adjusted during fiscal year 2018 with respect to any

change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2018. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2018 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 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 2018.

(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.

(i) During the fiscal year ending June 30, 2018, 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, 2018, from the state general fund for the department of administration to another item of appropriation for fiscal year 2018 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.

(j) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, the following:

SIBF – state building insurance (173-00-8100-8920).....\$245,000

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.

(k) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2018, the following:

CIBF – state building insurance (173-00-8600-8930).....\$265,000

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.

(l) On July 1, 2017, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2018, 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 2018 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.

(m) (1) On July 1, 2017, notwithstanding the provisions of any other statute, the

director of accounts and reports shall record a debit to the state treasurer's receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to \$32,689,900 to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028, for state agencies.

(2) On or before September 1, 2017, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state general fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2018.

(3) (A) (i) Prior to August 15, 2017, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2018 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2018.

(ii) On or before June 30, 2018, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2018, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected cost savings as a result of completed, canceled or modified projects, programs or operations.

(iii) As used in paragraphs (i) and (ii) of this subsection (m)(3)(A), "specific expenditure limitation prescribed for the fiscal year" includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.

(B) Prior to August 15, 2017, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal year 2017 and which were not reappropriated for fiscal year 2018, as determined by the director of the budget: *Provided*, That, as used in this subsection (m)(3)(B), "unanticipated lapses of moneys" shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2017 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2017 regular session of the legislature.

(C) Prior to August 15, 2017, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2016, that were released during fiscal year 2017, and that were not specifically reappropriated by an appropriation act of the 2017 regular session of the legislature.

(4) (A) On August 15, 2017, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (m) (3)(A)(i), the appropriation for fiscal year 2018 for each account of the state general

fund that is appropriated or reappropriated for the fiscal year ending June 30, 2018, by this or other appropriation act of the 2017 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (m)(3) (A)(i).

(B) On June 30, 2018, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (m)(3) (A)(ii), the appropriation for fiscal year 2018 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2018, by this or other appropriation act of the 2017 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (m)(3) (A)(ii).

(5) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (m)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.

(6) (A) Prior to August 15, 2017, 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, 2017, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (m)(6), the appropriation for fiscal year 2018 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2018, by this or other appropriation act of the 2017 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (m)(6).

(7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2018.

(8) (A) On or before September 1, 2017, after receipt of each certification by the director of the budget pursuant to this subsection, the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (m)(3) and subsection (m)(6) in accordance with such certifications.

(B) On September 1, 2017, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*; That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(C) On September 1, 2017, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection during fiscal year 2018.

(D) On June 30, 2018, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028.

(E) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection and all reductions and adjustments 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 general fund by the state treasurer in accordance with the notice thereof.

(9) 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, university of Kansas, university of Kansas medical center and Wichita state university.

(10) The provisions of this subsection shall not apply to:

(A) The health care stabilization fund of the health care stabilization fund board of governors;

(B) any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any state agency;

(C) 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;

(D) any account of the Kansas educational building fund or the state institutions building fund; or

(E) any fund 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.

(11) Each amount transferred from any special revenue fund of any state agency, including 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 which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(o) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2018 by this or other appropriation act of the 2017 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2018, 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, 2017, 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 which 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, 2018, except that such amount shall be proportionally adjusted during fiscal year 2018 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2018. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2018 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 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 2018.

(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) On July 1, 2017, the older Americans act long-term care ombudsman federal fund (173-00-3287-3287) is hereby redesignated as the older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287).

(r) On July 1, 2017, the older Americans act long-term care ombudsman federal fund (173-00-3358-3140) is hereby redesignated as the older Americans act title VII long-term care ombudsman federal fund (173-00-3358-3140).

(s) (1) On or before June 30, 2018, the secretary of administration: (A) Shall determine the amount of moneys appropriated in each account of the state general fund or each special revenue fund or funds appropriated for fiscal year 2018 for the cabinet agency that are not required to be expended or encumbered for an information technology project for the fiscal year ending June 30, 2018; and (B) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2018, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: *Provided further*, That, on or before June 30, 2018, the director of the budget shall certify each amount appropriated from each special revenue fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby transferred to the state general fund: *And provided further*, That the expenditure limitations on the accounts in the children's initiatives fund, the state economic development initiatives fund and the state water plan fund shall be decreased by the amount of such moneys transferred to the state general fund from each such account: *And provided further*, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*, That the aggregate of all amounts lapsed from appropriations from the state general fund and amounts transferred from special revenue funds pursuant to this subsection, shall be equal to \$5,000,000 or more.

(2) As used in this section: (A) "Cabinet agency" means the (1) department of administration, (2) department of revenue, (3) department of commerce, (4) department of labor, (5) department of health and environment, (6) Kansas department for aging and disability services, (7) Kansas department for children and families, (8) department of corrections, (9) adjutant general, (10) Kansas highway patrol, (11) Kansas department of agriculture, (12) Kansas department of wildlife, parks and tourism, and (13) department of transportation; and

(B) "information technology projects" shall include information technology related expenditures including: (1) Services, labor (full-time, part-time or contract), contract payments, purchases related to planning, designing, developing, testing, implementing, training, operating, supporting, securing and maintaining any of the data, applications and/or technologies listed in this subsection; (2) all data under the custodianship of the executive branch; (3) all computer applications under the custodianship of the executive branch; and (4) all technology, digital information involving any form of computer

storage, including, but not limited to, mainframes, servers, networks and network-related items, including switches, routers, cables, fiber, telecommunications and personal computers, laptops, tablet computers, mobile phones, digital storage in any form or format, printers and fax machines and cloud computing.

(t) (1) On July 1, 2017, 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, 2018, except that such amount shall be proportionally adjusted during fiscal year 2018 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2018. 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 2017 and fiscal year 2018 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2018 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 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 2018.

(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 (u) 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.

(u) (1) On July 1, 2017, 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, 2018, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2018 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 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 2018.

(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 (t) 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.

(v) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2018 by the above agency by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or any special revenue fund or funds to form a task force to study, review and develop a plan for the: (1) Procurement of information technology equipment, services and software; food; office supplies; furniture and fixtures; fuel; and any other purchased durable goods to achieve the most cost efficiencies for school districts; (2) implementation and administration of a unified school district employee health care benefits program; and (3) identification of any other school district efficiencies: *Provided*, That the task force members shall include a representative from the Wichita public school district, a representative from a rural school district as appointed by the secretary of administration, two individuals who are not current members of the legislature appointed by the speaker of the house of representatives, an individual who is not a current member of the legislature appointed by the minority leader of the house of representatives, a member of the state board of education appointed by such board, members representing a geographic balance of the state appointed by the secretary of administration and any additional stakeholders as deemed necessary by the secretary of administration: *Provided further*, That upon request by the task force, any existing or previously convened working group that studied such issues shall report to and advise the task force: *And provided further*, That such task force shall provide a report to the house appropriations committee and the senate ways and means committee on or before January 8, 2018, detailing the findings of such study, including a plan to implement the findings of the task force.

(w) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,700,000 from the health insurance premium reserve fund (264-00-7350-7350) of the department of health and environment – division of health care finance to the on-site state employee health clinic fund of the department of administration.

Sec. 66.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (173-00-1000-0200).....\$4,699,654

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$1,617,629

Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$243,775

Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service (173-00-1000-0440).....\$64,433,207

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2019, the following:

KPERS bond debt service (173-00-1700-1704).....\$35,701,595

Public broadcasting digital conversion debt service
(173-00-1700-1703).....\$437,375

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds 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. 2016 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 administration: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: *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
<i>Provided</i> , 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: <i>Provided further</i> , That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , 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: <i>And provided further</i> , 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
State gaming revenues fund (173-00-9011-9100).....	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
Docking state office building rehab, repair and razing fund (173-00-2938-2938).....	\$0
Digital imaging program fund (173-00-6121-6121).....	No limit
<i>Provided</i> , 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, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2019 by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2019, 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, 2018, 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, 2019, 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 2019 by this or other appropriation act of the 2017 or 2018 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 2019 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, 2018, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget that shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2019, except that such amount shall be proportionally adjusted during fiscal year 2019 with

respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2019. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2019 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2019, 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 2019.

(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, 2018, 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, 2019, except that such amount shall be proportionally adjusted during fiscal year 2019 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2019. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2019 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2019, 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 2019.

(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, 2019, 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, 2019, from the state general fund for the department of administration to another item of appropriation for fiscal year 2019 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, 2019, the following:

SIBF – state building insurance (173-00-8100-8920).....\$250,000

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, 2019, the following:

CIBF – state building insurance (173-00-8600-8930).....\$270,000

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, 2018, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2019, 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 2019 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) On July 1, 2018, notwithstanding the provisions of any other statute, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to \$32,689,900 minus the amount transferred on or before June 30, 2018, pursuant to section 52(m)(8)(B) of this act, to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028, for state agencies.

(2) On or before September 1, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state general fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2019.

(3) (A) (i) Prior to August 15, 2018, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2019 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2019.

(ii) On or before June 30, 2019, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2019, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected

cost savings as a result of completed, canceled or modified projects, programs or operations.

(iii) As used in paragraphs (i) and (ii) of this subsection (n)(3)(A), "specific expenditure limitation prescribed for the fiscal year" includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.

(B) Prior to August 15, 2018, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal year 2018 and which were not reappropriated for fiscal year 2019, as determined by the director of the budget: *Provided*, That, as used in this subsection (n)(3)(B), "unanticipated lapses of moneys" shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2017 or 2018 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2017 or 2018 regular session of the legislature.

(C) Prior to August 15, 2018, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2017, that were released during fiscal year 2018, and that were not specifically reappropriated by an appropriation act of the 2017 or 2018 regular session of the legislature.

(4) (A) On August 15, 2018, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(i), the appropriation for fiscal year 2019 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2019, by this or other appropriation act of the 2017 or 2018 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(i).

(B) On June 30, 2019, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(ii), the appropriation for fiscal year 2019 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2019, by this or other appropriation act of the 2017 or 2018 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(ii).

(5) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (n)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.

(6) (A) Prior to August 15, 2018, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the

amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2018, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (n) (6), the appropriation for fiscal year 2019 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2019, by this or other appropriation act of the 2017 or 2018 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (n)(6).

(7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2019.

(8) (A) On or before September 1, 2018, after receipt of each certification by the director of the budget pursuant to this subsection, the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3) and subsection (n)(6) in accordance with such certifications.

(B) On September 1, 2018, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*; That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(C) On September 1, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection during fiscal year 2019.

(D) On June 30, 2019, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028.

(E) The director of accounts and reports shall notify the state treasurer of all

amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection and all reductions and adjustments 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 general fund by the state treasurer in accordance with the notice thereof.

(9) 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, university of Kansas, university of Kansas medical center and Wichita state university.

(10) The provisions of this subsection shall not apply to:

(A) The health care stabilization fund of the health care stabilization fund board of governors;

(B) any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any state agency;

(C) 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;

(D) any account of the Kansas educational building fund or the state institutions building fund; or

(E) any fund 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.

(11) Each amount transferred from any special revenue fund of any state agency, including 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 which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(o) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2019 by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2019, 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, 2018, 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 which 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, 2019, except that such amount shall be proportionally adjusted during fiscal year 2019 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2019. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2019 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2019, 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 2019.

(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 or before June 30, 2019, the secretary of administration: (A) Shall determine the amount of moneys appropriated in each account of the state general fund or each special revenue fund or funds appropriated for fiscal year 2019 for the cabinet agency that are not required to be expended or encumbered for an information technology project for the fiscal year ending June 30, 2019; and (B) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2019, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: *Provided further*; That, on or before June 30, 2019, the director of the budget shall certify each amount appropriated from each special revenue fund or funds, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby transferred to the state general fund: *And provided further*; That the expenditure limitations on the accounts in the children's initiatives fund, the state economic development initiatives fund and the state water plan fund shall be decreased by the amount of such moneys transferred to the state general fund from each such account: *And provided further*; That, at the same

time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*; That the aggregate of all amounts lapsed from appropriations from the state general fund and amounts transferred from special revenue funds pursuant to this subsection, shall be equal to \$5,000,000 or more.

(2) As used in this section: (A) "Cabinet agency" means the (1) department of administration, (2) department of revenue, (3) department of commerce, (4) department of labor, (5) department of health and environment, (6) Kansas department for aging and disability services, (7) Kansas department for children and families, (8) department of corrections, (9) adjutant general, (10) Kansas highway patrol, (11) Kansas department of agriculture, (12) Kansas department of wildlife, parks and tourism, and (13) department of transportation; and

(B) "information technology projects" shall include information technology related expenditures including: (1) Services, labor (full-time, part-time or contract), contract payments, purchases related to planning, designing, developing, testing, implementing, training, operating, supporting, securing and maintaining any of the data, applications and/or technologies listed in this subsection; (2) all data under the custodianship of the executive branch; (3) all computer applications under the custodianship of the executive branch; and (4) all technology, digital information involving any form of computer storage, including, but not limited to, mainframes, servers, networks and network-related items, including switches, routers, cables, fiber, telecommunications and personal computers, laptops, tablet computers, mobile phones, digital storage in any form or format, printers and fax machines and cloud computing.

(r) (1) On July 1, 2018, 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, 2019, except that such amount shall be proportionally adjusted during fiscal year 2019 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2019. 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 2018 and fiscal year 2019 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2019 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2019, 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 2019.

(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 (s) 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.

(s) (1) On July 1, 2018, 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, 2019, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2019 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2019, 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 2019.

(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 (r) 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. 67.

OFFICE OF INFORMATION
TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (173-00-6110-4030).....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 (173-00-6147-4080).....No limit
 - Public safety broadband services fund (173-00-2125-2125).....No limit
 - CJIS Byrne Grant – federal fund (173-00-3057-3200).....No limit
 - GIS contracting services fund (173-00-2163-2163).....No limit
 - State and local implementation grant – federal fund (173-00-3576-3576).....No limit
- Sec. 68.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(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 shall not exceed the following:

- Information technology fund (173-00-6110-4030).....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 (173-00-6147-4080).....No limit
 - Public safety broadband services fund (173-00-2125-2125).....No limit
 - CJIS Byrne Grant – federal fund (173-00-3057-3200).....No limit
 - GIS contracting services fund (173-00-2163-2163).....No limit
 - State and local implementation grant – federal fund (173-00-3576-3576).....No limit
- Sec. 69.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Administrative hearings office fund (178-00-2582-2580).....No limit
 - Provided*, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.
- Sec. 70.

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, 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:

- Administrative hearings office fund (178-00-2582-2580).....No limit
 - Provided*, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.
- Sec. 71.

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, 2018, the following:

- Operating expenditures (562-00-1000-0103).....\$773,973

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund (562-00-2219-2200).....	\$3,000
BOTA filing fee fund (562-00-2240-2240).....	\$1,044,961

Sec. 72.

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, 2019, the following:

Operating expenditures (562-00-1000-0103).....	\$780,425
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the 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:

Duplicating fees fund (562-00-2219-2200).....	\$1,200
BOTA filing fee fund (562-00-2240-2240).....	\$1,061,172

Sec. 73.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 97(c) of chapter 12 of the 2016 Session Laws of Kansas on the division of motor vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby decreased from \$47,989,769 to \$47,520,804.

Sec. 74.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (565-00-1000-0303).....	\$15,110,326
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018:

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund (565-00-2087-2010).....	No limit
Division of vehicles operating fund (565-00-2089-2020).....	\$45,858,922

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, 2018: *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 court 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
- Central stores fund (565-00-2251-2250).....No limit

Provided, That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: *Provided further*, That all moneys received for such supplies 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 central stores fund.

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 (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
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: <i>Provided further</i> , 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 (565-00-9079-9020).....	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. 2016 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 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.</i>	
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.....	\$1,293,336

(c) On July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, the director of accounts and reports shall transfer \$11,513,742 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, 2017, 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, 2017, 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) On July 1, 2017, the director of accounts and reports shall transfer \$2,172,408 from the division of vehicles operating fund (565-00-2089-2020) of the department of revenue to the state general fund.

(g) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2018, 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.

(h) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2018, 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.

(i) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or

any other statute, for the fiscal year ending June 30, 2018, 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.

(j) On July 1, 2017, the real ID program federal fund of the department of revenue is hereby redesignated as the DL security grant program fund (565-00-3780-3150) of the department of revenue.

(k) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,293,336 from the Kansas endowment for youth fund to the MSA compliance fund of the department of revenue.

(l) On August 1, 2017, and on the first day of each month thereafter during fiscal year 2018, 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 of the department of revenue.

Sec. 75.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (565-00-1000-0303).....\$15,008,516

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 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:

Sand royalty fund (565-00-2087-2010).....No limit

Division of vehicles operating fund (565-00-2089-2020).....\$45,912,748

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, 2019: *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
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 court of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund (565-00-2016-2000).....	No limit
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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
Central stores fund (565-00-2251-2250).....	No limit

Provided, That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: *Provided further*, That all moneys received for such supplies 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 central stores fund.

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 (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
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: <i>Provided further</i> , 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 any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund 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 (565-00-9079-9020).....	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 any other statute, expenditures may be made from the electronic databases fee fund 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. 2016 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 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.</i>	
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.....	\$1,333,220

(c) On July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, the director of accounts and reports shall transfer \$11,513,742 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, 2018, 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, 2018, 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 (565-00-2683-2110) fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

(f) On July 1, 2018, the director of accounts and reports shall transfer \$2,172,408 from the division of vehicles operating fund (565-00-2089-2020) of the department of revenue to the state general fund.

(g) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2019, 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.

(h) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2019, 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.

(i) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2019, 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.

(j) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,333,220 from the Kansas endowment for youth fund to the MSA compliance fund of the department of revenue.

(k) On July 1, 2018, and on the first day of each month thereafter during fiscal year 2019, 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 of the department of revenue.

Sec. 76.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 91(b) of chapter 104 of the 2015 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2017, is hereby decreased from \$75,500,000 to \$74,000,000.

Sec. 77.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Lottery prize payment fund (450-00-7381).....No limit
- Lottery operating fund (450-00-5123).....No limit
- Provided*, 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, 2017; 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, 2017, and on or before the 15th of each month thereafter through June 15, 2018: *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, 2018: *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 2018 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, 2018, 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 2018 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 2018 is equal to or more than \$75,000,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2018 pursuant to this subsection shall be equal to or more than \$75,000,000: *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 by this subsection shall be made in lieu of transfers under K.S.A. 74-8711(d), and amendments thereto, for fiscal year 2018.

(c) Notwithstanding the provisions of K.S.A. 79-4801, and amendments thereto, or any other statute and in addition to the requirements of subsection (b) of this section, on or after June 15, 2018, upon certification by the executive director of the lottery, 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 special veterans benefits game under K.S.A. 2016 Supp. 74-8724, and amendments thereto, during fiscal year 2018: *Provided*, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund to the state general fund: *Provided further*, That, on or before June 25, 2018, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under K.S.A. 2016 Supp. 74-8724, and amendments thereto, during fiscal year 2018: *And provided further*, That, at the same time as such certification is transmitted to the director of accounts and reports, the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(d) 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 2018, 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.

Sec. 78.

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, 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:

Lottery prize payment fund (450-00-7381).....	No limit
Lottery operating fund (450-00-5123).....	No limit

Provided, 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, 2018; 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, 2018, and on or before the 15th of each month thereafter through June 15, 2019: *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 for the fiscal year ending June 30, 2019: *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 2019 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, 2019, 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 2019 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 2019 is equal to or more than \$76,000,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2019 pursuant to this subsection shall be equal to or more than \$76,000,000: *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 by this subsection shall be made in lieu of transfers under K.S.A. 74-8711(d), and amendments thereto, for fiscal year 2019.

(c) Notwithstanding the provisions of K.S.A. 79-4801, and amendments thereto, or any other statute, and in addition to the requirements of subsection (b), on or after June 15, 2019, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund the amount of total profit attributed to the special veterans benefits game under K.S.A. 2016 Supp. 74-8724, and amendments thereto, during fiscal year 2019: *Provided*, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund (173-00-9011-9100) to the state general fund: *Provided further*, That, on or before June 25, 2019, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under

K.S.A. 2016 Supp. 74-8724, and amendments thereto, during fiscal year 2019: *And provided further*, That, at the same time as such certification is transmitted to the director of accounts and reports, the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(d) 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 2019, 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.

Sec. 79.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund (553-00-5131-5000).....No limit
Provided, 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. 2016 Supp. 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 which 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. 2016 Supp. 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 which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which 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, 2017, 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, 2018, 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 2018 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 2018 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, 2018, 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 2018 for the Kansas racing and gaming commission by this or other appropriation act of the 2017 regular session of the legislature, expenditures, which are hereby authorized, may be made from the tribal gaming fund for fiscal year 2018 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, 2018, by K.S.A. 74-8831(b)(1), and amendments thereto, and shall transfer on or before June 30, 2018, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2018, 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, 2018, 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, 2017, during the fiscal year ending June 30, 2018, 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 of 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. 80.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund (553-00-5131-5000).....No limit
Provided, 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. 2016 Supp. 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 which 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. 2016 Supp. 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 (553-00-2535-2700).....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 which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which 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, 2018, 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, 2019, 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 (553-00-2320-3700) 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 2019 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 of the Kansas racing and gaming commission during fiscal year 2019 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, 2019, 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 which 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 2019 for the Kansas racing and gaming commission by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures, which are hereby

authorized, may be made from the tribal gaming fund for fiscal year 2019 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, 2019, by K.S.A. 74-8831(b)(1), and amendments thereto, and shall transfer on or before June 30, 2019, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2019, 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, 2019, 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 the 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, 2018, during the fiscal year ending June 30, 2019, 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 of 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. 81.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2017, the following:

Credit monitoring for AJLA clients.....\$1,200,000
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the credit monitoring for AJLA clients account is hereby reappropriated for fiscal year 2018.

Sec. 82.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

KBA grant commitments (300-00-1000-0800).....\$2,800,000
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the KBA grant commitments account is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2018, the following:

Older Kansans employment program (300-00-1900-1140).....\$242,515
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the older Kansans employment program account is hereby reappropriated for fiscal year 2018.

Rural oppotunity zones program (300-00-1900-1150).....\$1,622,939
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the rural oppotunity zones program account is hereby reappropriated for fiscal year 2018.

Senior community service employment program (300-00-1900-1160).....\$7,622
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the senior community service employment program account is hereby reappropriated for fiscal year 2018.

Strong military bases program (300-00-1900-1170).....\$195,047
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the strong military bases program account is hereby reappropriated for fiscal year 2018.

Governor's council of economic advisors (300-00-1900-1185).....\$193,216
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2018.

Creative arts industries commission (300-00-1900-1188).....\$188,442
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the creative arts industries commission account is hereby reappropriated for fiscal year 2018.

Operating grant (including official hospitality) (300-00-1900-1110).....\$7,976,452
Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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 Peyser 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 accelerator – 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, 2018, 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 2018, in accordance with the provisions of this or other appropriation act of the 2017 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 2018 for the department of commerce as authorized by this or other appropriation act of the 2017 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 2018 for official hospitality.

(f) During the fiscal year ending June 30, 2018, 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, 2018, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2018 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, 2017, the director of accounts and reports shall transfer \$19,200,000 from the economic development initiatives fund (300-00-1900-1100) to the state general fund.

(h) (1) On July 1, 2017, the WIA adult – federal fund (300-00-3270-3205) of the department of commerce is hereby redesignated as the WIOA adult – federal fund of the department of commerce.

(2) On July 1, 2017, the WIA youth activities – federal fund (300-00-3039-3040) of the department of commerce is hereby redesignated as the WIOA youth activities – federal fund of the department of commerce.

(3) On July 1, 2017, the WIA dislocated workers – federal fund (300-00-3428-3430) of the department of commerce is hereby redesignated as the WIOA dislocated workers – federal fund of the department of commerce.

Sec. 83.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

KBA grant commitments (300-00-1000-0800).....\$557,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the KBA grant commitments account is hereby reappropriated for fiscal year 2019.

(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:

Older Kansans employment program (300-00-1900-1140).....\$242,540

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the older Kansans employment program account is hereby reappropriated for fiscal year 2019.

Rural opportunity zones program (300-00-1900-1150)\$2,053,457

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2019.

Senior community service employment program (300-00-1900-1160)\$7,647

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the senior community service employment program account is hereby reappropriated for fiscal year 2019.

Strong military bases program (300-00-1900-1170).....\$195,093

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the strong military bases program account is hereby reappropriated for fiscal year 2019.

Governor's council of economic advisors (300-00-1900-1185).....\$193,298

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2019.

Creative arts industries commission (300-00-1900-1188).....\$188,604

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the creative arts industries commission account is hereby reappropriated for fiscal year 2019.

Operating grant (including official hospitality) (300-00-1900-1110).....\$7,553,313

Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 the public broadcasting grants account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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
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 Peyser 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 accelerator – 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, 2019, 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 2019, in accordance with the provisions of this or other appropriation act of the 2017 or 2018 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 2019 for the department of commerce as authorized by this or other appropriation act of the 2017 or 2018 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 2019 for official hospitality.

(f) During the fiscal year ending June 30, 2019, 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, 2019, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2019 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, 2018, the director of accounts and reports shall transfer \$19,200,000 from the economic development initiatives fund (300-00-1900-1100) to the state general fund.

Sec. 84.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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. 85.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

State 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. 86.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (296-00-1000-0503).....\$302,178
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, 2018, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-5413 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\$267,399

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund (296-00-2124-2220).....\$14,681,786
 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

Provided, That, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any statute to the contrary, during fiscal year 2018, 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.

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

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427, and

amendments thereto, and for fact-finding under K.S.A. 72-5428, 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. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, 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.

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.....	No limit

Sec. 87.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (296-00-1000-0503).....	\$304,183
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 2019, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-5413 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.

Any unencumbered balance in excess of \$100 as of June 30, 2018, in the following account is hereby reappropriated for fiscal year 2019: Amusement ride safety.

(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:

Workmen's compensation fee fund (296-00-2124-2220).....	\$12,812,732
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

Provided, That, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any statute to the contrary, during fiscal year 2019, 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.

- 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

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, 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. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, 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.

- 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.....No limit

Sec. 88.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 40(d) of chapter 12 of the 2016 Session Laws of Kansas on the federal long term care per diem fund (694-00-3232) of the Kansas commission on veterans affairs office is hereby increased from \$7,517,100 to no limit.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 40(c) of chapter 12 of the 2016 Session Laws of Kansas on the federal domiciliary per diem fund (694-00-3220) of the Kansas commission on veterans affairs office is hereby increased from \$1,599,150 to no limit.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 40(b) of chapter 12 of the 2016 Session Laws of Kansas on the soldiers' home fee fund (694-00-2241-2100) of the Kansas

commission on veterans affairs office is hereby increased from \$1,569,621 to no limit.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 40(a) of chapter 12 of the 2016 Session Laws of Kansas on the veterans' home fee fund (694-00-2236-2200) of the Kansas commission on veterans affairs office is hereby increased from \$3,064,113 to no limit.

Sec. 89.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures – administration (694-00-1000-0103).....\$607,395

Provided, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Operating expenditures – veteran services (694-00-1000-0203).....\$1,511,670

Provided, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.

Operations – state veterans cemeteries (694-00-1000-0703).....\$576,215

Provided, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas soldiers' home (694-00-1000-0403).....\$1,738,454

Provided, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Operating expenditures – Kansas veterans' home (694-00-1000-0503).....\$555,563

Provided, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Scratch lotto – Kansas veterans' home (694-00-1000-0300).....\$114,024

Scratch lotto – veterans services (694-00-1000-0330).....\$434,336

Scratch lotto – Kansas soldiers' home (694-00-1000-0310).....\$145,609

Scratch lotto – veterans cemeteries (694-00-1000-0340).....\$174,704

Veterans claim assistance program – service grants (694-00-1000-0903).....\$600,000

Provided, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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

(c) (1) During the fiscal year ending June 30, 2018, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2016 Supp. 73-1233, 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, 2018, 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, 2018, 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 2018 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, 2018, 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, 2018, 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.

Sec. 90.

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, 2019, the following:

Operating expenditures – administration (694-00-1000-0103).....\$589,984
Provided, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Operating expenditures – veteran services (694-00-1000-0203).....\$1,535,223
Provided, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.

Operations – state veterans cemeteries (694-00-1000-0703).....\$587,050
Provided, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas soldiers' home (694-00-1000-0403).....\$1,760,812
Provided, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Operating expenditures – Kansas veterans' home (694-00-1000-0503).....\$532,059
Provided, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Scratch lotto – Kansas veterans' home (694-00-1000-0300).....\$105,685
Scratch lotto – veterans services (694-00-1000-0330).....\$459,354

Scratch lotto – Kansas soldiers' home (694-00-1000-0310).....\$137,270
 Scratch lotto – veterans cemeteries (694-00-1000-0340).....\$216,399
 Veterans claim assistance program – service grants (694-00-1000-0903).....\$600,000
Provided, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 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:

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

(c) (1) During the fiscal year ending June 30, 2019, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2016 Supp. 73-1233, 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, 2019, 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, 2019, 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 2019 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, 2019, 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, 2019, 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 executive 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.

Sec. 91.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality)
(264-00-1000-0202).....\$3,573,673

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Operating expenditures (including official hospitality) – health
(264-00-1000-0270).....\$1,936,104

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Vaccine purchases (264-00-1000-0900).....\$329,607

Provided, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$8,570,690

Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 at not-for-profit or publicly-funded primary care 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 services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay: *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, \$8,190,272 shall be distributed for community-based primary care grants and \$230,418 shall be distributed for services provided by the Kansas association for the medically underserved.

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, 2017, is hereby reappropriated for fiscal year 2018: *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, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

Cerebral palsy posture seating (264-00-1000-1500).....\$105,537

Provided, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

Any unencumbered balance in excess of \$100 as of June 30, 2017, in the following account is hereby reappropriated for fiscal year 2018: Ryan White matching funds (264-00-1000-1200).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 2018, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2018 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

Provided, 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
ARRA migrant health – federal fund (264-00-3069-3070).....	No limit
ARRA child care development – federal fund (264-00-3028-3455).....	No limit
ARRA Kansas health information exchange project – federal fund (264-00-17-3493-3493).....	No limit
ARRA epidemiology and lab capacity – federal fund (264-00-3150-3888).....	No limit
ARRA women infants and children – federal fund (264-00-3077-3105)	No limit
ARRA primary care offices – federal fund (264-00-3781-3781).....	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
ARRA prevention of healthcare associated infections – federal fund (264-00-17-3486-3486).....	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 2018 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
Refugee health – federal fund (264-00-3071-4650).....	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 (264-00-3077-3100).....	No limit
WIC health program fund – senior farmer's market – federal (264-00-3077-3107).....	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 (264-00-17-3070-3080).....	No limit
Children with special health care needs – federal fund (264-00-3763-3570).....	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
Lead certification cooperation agreement – federal fund (264-00-17-3496-3496).....	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 Title I – federal fund (264-00-2000-2107).....	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
Kansas system for early registration of volunteers – federal fund (264-00-17-3748-3749).....	No limit
Cardiovascular health programs – federal fund (264-00-3071-4760).....	No limit
Adult lead surveillance data – federal fund (264-00-3496-3496).....	No limit
Medical reserve corps contract – federal fund (264-00-17-3502-3502).....	No limit
Trauma fund (264-00-2513-2230).....	No limit
<i>Provided, That expenditures may be made by the department of health and</i>	

environment for fiscal year 2018 from the trauma fund of the department of health and environment – division of public health for the stroke prevention project: *Provided further*; That expenditures from the trauma fund for official hospitality shall not exceed \$3,000.

Homeland security – federal fund (264-00-3329-3320).....	No limit
Homeland security real ID – federal fund (264-00-3140-3140).....	No limit
Special education state grants – federal fund (264-00-17-3234-3236).....	No limit
Refugee assistance – federal fund (264-00-3378-3346).....	No limit
Personal responsibility education program – federal fund (264-00-3494-3494).....	No limit
Mammography quality standards act – federal fund (264-00-17-3511-3160).....	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
HUD lead hazard control program of Kansas City – federal fund (264-00-17-3328-3314).....	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

Provided, 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 \$1,000.

Radiation control operations fee fund (264-00-2531-2530).....	No limit
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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 (264-00-17-3508-3508).....	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

(c) On July 1, 2017, and on other occasions during fiscal year 2018 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, 2018, 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 2018 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2017 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 2018 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 2018 made by this or other appropriation act of the 2017 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, 2018, 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, 2018, 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 2018 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 2018 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 2018, as authorized by this or other appropriation act of the 2017 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 (264-00-265-2320) of the department of health and environment – division of public health for fiscal year 2018 pursuant to K.S.A. 22a-242, and amendments thereto.

(i) On July 1, 2017, 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, 2018, the following:

Healthy start (264-00-2000-2105).....	\$204,848
<i>Provided</i> , That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.	
Infants and toddlers program (264-00-2000-2107).....	\$5,800,000
<i>Provided</i> , That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.	
Smoking prevention (264-00-2000-2109).....	\$847,041
<i>Provided</i> , That any unencumbered balance in the smoking prevention account in	

excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Newborn hearing aid loaner program (264-00-2000-2113).....\$40,602
Provided, That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

SIDS network grant (264-00-2000-2115).....\$82,972
Provided, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(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 2018 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2017 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.

Sec. 92.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official
hospitality) (264-00-1000-0202).....\$3,583,383

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Operating expenditures (including official hospitality) –
health (264-00-1000-0270).....\$1,947,653

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Vaccine purchases (264-00-1000-0900).....\$329,607

Provided, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$8,570,690

Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2018, is hereby reappropriated for

fiscal year 2019: *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 at not-for-profit or publicly-funded primary care 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 services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay: *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, \$8,190,272 shall be distributed for community-based primary care grants and \$230,418 shall be distributed for services provided by the Kansas association for the medically underserved.

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, 2018, is hereby reappropriated for fiscal year 2019: *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, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

Cerebral palsy posture seating (264-00-1000-1500).....\$105,537

Provided, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

Any unencumbered balance in excess of \$100 as of June 30, 2018, in the following

account is hereby reappropriated for fiscal year 2019: Ryan White matching funds (264-00-1000-1200).

(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:

- 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 2019, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2019 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
 - Provided*, 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
ARRA migrant health – federal fund (264-00-3069-3070).....	No limit
ARRA child care development – federal fund (264-00-3028-3455).....	No limit
ARRA Kansas health information exchange project – federal fund (264-00-17-3493-3493).....	No limit
ARRA epidemiology and lab capacity – federal fund (264-00-3150-3888).....	No limit
ARRA women infants and children – federal fund (264-00-3077-3105).....	No limit
ARRA primary care offices – federal fund (264-00-3781-3781).....	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
ARRA prevention of healthcare associated infections – federal fund (264-00-17-3486-3486).....	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 2019 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
Refugee health – federal fund (264-00-3071-4650).....	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 (264-00-3077-3100).....	No limit
WIC health program fund – senior farmer's market – federal (264-00-3077-3107).....	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 (264-00-17-3070-3080).....	No limit
Children with special health care needs – federal fund (264-00-3763-3570).....	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
Lead certification cooperation agreement – federal fund (264-00-17-3496-3496).....	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 Title I – federal fund (264-00-2000-2107).....	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
Kansas system for early registration of volunteers – federal fund (264-00-17-3748-3749).....	No limit
Cardiovascular health programs – federal fund (264-00-3071-4760).....	No limit
Adult lead surveillance data – federal fund (264-00-3496-3496).....	No limit
Medical reserve corps contract – federal fund (264-00-17-3502-3502).....	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 2019 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 (264-00-3329-3320).....	No limit
Homeland security real ID – federal fund (264-00-3140-3140).....	No limit
Special education state grants – federal fund (264-00-17-3234-3236).....	No limit
Refugee assistance – federal fund (264-00-3378-3346).....	No limit
Personal responsibility education program – federal fund (264-00-3494-3494).....	No limit

Mammography quality standards act – federal fund (264-00-17-3511-3160).....	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
HUD lead hazard control program of Kansas City – federal fund (264-00-17-3328-3314).....	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: <i>Provided further</i> , That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed \$1,000.	
Radiation control operations fee fund (264-00-2531-2530).....	No limit
<i>Provided</i> , 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 (264-00-17-3508-3508).....	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

(c) On July 1, 2018, and on other occasions during fiscal year 2019 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 (264-00-2912-2710) of the department of health and environment – division of public health.

(d) During the fiscal year ending June 30, 2018, 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 2019 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2017 or 2018 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 2019 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 2019 made by this or other appropriation act of the 2017 or 2018 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, 2019, 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, 2019, 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 2019 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 2019 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 2019, as authorized by this or other appropriation act of the 2017 or 2018 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 2019 pursuant to K.S.A. 22a-242, and amendments thereto.

(i) On July 1, 2018, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund (270-00-8505-3200) 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, 2019, the following:

- Healthy start (264-00-2000-2105).....\$204,848
Provided, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.
- 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, 2018, is hereby reappropriated for fiscal year 2019.
- Smoking prevention (264-00-2000-2109).....\$847,041
Provided, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.
- Newborn hearing aid loaner program (264-00-2000-2113).....\$40,602
Provided, That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.
- SIDS network grant (264-00-2000-2115).....\$82,972
Provided, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(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 2019 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2017 or 2018 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.

Sec. 93.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Other medical assistance (264-00-1000-3026).....\$1,714,838

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 17(b) of chapter 111 of the 2016 Session Laws of Kansas on the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance is hereby increased from \$127,692,349 to \$150,009,961.

(c) 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 2017 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapter 12 or 111 of the 2016 Session Laws of Kansas, 2017 Senate Substitute for Substitute for House Bill No. 2052, this or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the department of health and environment – division of health care finance from such moneys appropriated for fiscal year 2017 to submit a written report to the senate standing committee on ways and means on or before sine die adjournment of the 2017 regular legislative session that details full disclosure and reconciliation of the health care access improvement fund (264-00-2443-2215) and use of funds from the hospital provider assessment imposed pursuant to K.S.A. 2016 Supp. 65-6208, and amendments thereto, for state fiscal years 2012 through 2017, including revenue, expenditures, running balance of the health care access improvement fund, any deficits and write-offs and any specific actions taken to reconcile the health care access improvement fund during calendar year 2011.

Sec. 94.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Health policy operating expenditures (264-00-1000-0010).....\$10,295,151

Provided, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for

fiscal year 2018: *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.

Other medical assistance (264-00-1000-3026).....\$539,548,571

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 2018.

Any unencumbered balance in excess of \$100 as of June 30, 2017, in each of the following accounts is hereby reappropriated for fiscal year 2018: Children's health insurance program (264-00-1000-0060), office of the inspector general (264-00-1000-0050).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund (264-00-2556-2550).....\$1,640,046

Cafeteria benefits fund (264-00-7720-9002).....No limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2018, for salaries and wages and other operating expenditures shall not exceed \$3,844,401.

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, 2018, for salaries and wages and other operating expenditures shall not exceed \$4,543,253.

Dependent care assistance program fund (264-00-7740-8700).....No limit

Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2018, for salaries and wages and other operating expenditures shall not exceed \$3,981,219.

Non-state employer group benefit fund (264-00-7707-7710).....\$142,045

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, 2018, 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).....\$95,498,999

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
<i>Provided</i> , That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2018, for salaries and wages and other operating expenditures shall not exceed \$9,050,000.	
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
Quality care service fund (264-00-2999-0000).....	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
Medicaid infrastructure grant – disability employment federal fund (264-00-3547-2017).....	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 care fund (264-00-2999).....	No limit
Quality based community assessment fund (264-00-2760-2760).....	No limit
Refugee and entrant assistance – state administered programs fund (264-00-3345-2017).....	No limit
KEES interagency transfer fund (264-00-17-6001-6001).....	No limit
Energy assistance block grant (264-00-3305-3305).....	No limit
Supplemental nutrition assistance program – admin (264-00-3104-2017).....	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, 2018, 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, 2018, 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, 2018, no expenditures shall be made by the secretary of health and environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the purpose of implementing a program under KanCare health homes for persons with chronic conditions, unless the legislature expressly consents to implementation of such program and expenditures therefor.

(e) During fiscal year 2018, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated for fiscal year 2018 from the state general fund or from any special revenue fund or funds by this or any other

appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated for fiscal year 2018 to set reimbursement rates for any children's hospital contracting with a managed care organization providing state medicaid services that restore any reductions initiated during calendar year 2015 to provider reimbursement rates for state medicaid services provided by contracting children's hospitals: *Provided*, That the above agency shall procure an independent study of reimbursement rates paid to such contracting children's hospitals to compare the cost recovery ratio of such rates to the statewide average cost recovery ratio for all Kansas hospitals contracting to provide state medicaid services: *Provided further*, That, as used in this proviso, "cost recovery ratio" means the actual hospital reimbursement amount divided by the specific hospital's costs incurred for providing medicaid services, as reported in the most recent available medicare cost report submitted to the federal centers for medicare and medicaid services.

Sec. 95.

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).....\$10,260,032

Provided, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*, That expenditures shall be made from the 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.

Other medical assistance (264-00-1000-3026).....\$615,652,284

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 2019.

Any unencumbered balance in excess of \$100 as of June 30, 2018, in each of the following accounts is hereby reappropriated for fiscal year 2019: Children's health insurance program (264-00-1000-0060), office of the inspector general (264-00-1000-0050).

(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:

Preventive health care program fund (264-00-2556-2550).....\$1,649,246

Cafeteria benefits fund (264-00-7720-9002).....No limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2019, for salaries and wages and other operating expenditures shall not

exceed \$3,843,557.

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, 2019, for salaries and wages and other operating expenditures shall not exceed \$4,662,796.

Dependent care assistance program fund (264-00-7740-8700).....No limit
Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2019, for salaries and wages and other operating expenditures shall not exceed \$3,987,115.

Non-state employer group benefit fund (264-00-7707-7710).....\$141,956
 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, 2019, 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).....\$65,795,195
 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, 2019, for salaries and wages and other operating expenditures shall not exceed \$9,050,000.

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
 Quality care service fund (264-00-2999-0000).....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
 Medicaid infrastructure grant – disability employment federal

fund (264-00-3547-2017).....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 care fund (264-00-2999).....No limit
 Quality based community assessment fund (264-00-2760-2760).....No limit
 Refugee and entrant assistance – state administered programs

fund (264-00-3345-2017).....No limit
 KEES interagency transfer fund (264-00-17-6001-6001).....No limit
 Energy assistance block grant (264-00-3305-3305)No limit
 Supplemental nutrition assistance program – admin (264-00-3104-2017).....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, 2019, 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, 2019, 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, 2019, no expenditures shall be made by the secretary of health and environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the purpose of implementing a program under KanCare health homes for persons with chronic conditions, unless the legislature expressly consents to implementation of such program and expenditures therefor.

(e) During fiscal year 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 for fiscal year 2019 from the state general fund or from any special revenue fund or funds by this or any other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated for fiscal year 2019 to set reimbursement rates for any children's hospital contracting with a managed care organization providing state medicaid services that restore any reductions initiated during calendar year 2015 to provider reimbursement rates for state medicaid services provided by contracting children's hospitals.

Sec. 96.

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, 2018, the following:

Operating expenditures (including official
hospitality) (264-00-1000-0300).....\$3,961,957

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation fee fund (264-00-2233-2220).....No limit
Publication fee fund – environment (264-00-2544-2195).....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, 2018, 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 2018, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2018 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
Surface mining fee fund (264-00-2233-2220).....	No limit
Kansas newborn screening fee fund (264-00-2000-2119).....	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
Superfund state cooperative agreements – federal fund (264-00-1800-1815).....	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
ARRA Kansas clean diesel assistance program grant – federal fund (264-00-3072-3095).....	No limit
Performance partnership grants – federal fund (264-00-3295-3295).....	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
Contaminated property redevelopment act – federal fund.....	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 operator expense reimbursement for drinking water – federal fund (264-00-3086-4200).....	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</i> , 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: <i>Provided further</i> , That expenditures from this fund shall be made to provide for the payment of such matching grants.	
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
Debt service reserve fund (264-00-7538-7726).....	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
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 – federal fund (264-00-17-7396-7096).....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, for the state water plan project or projects specified as follows:

Contamination remediation (264-00-1800-1802).....	\$602,824
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.	
TMDL initiatives and use attainability analysis (264-00-1800-1805).....	\$216,114
<i>Provided</i> , That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.	
Watershed restoration and protection plan (264-00-1800-1808).....	\$555,000
<i>Provided</i> , That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.	
Nonpoint source program (264-00-1800-1804).....	\$238,540
<i>Provided</i> , That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.	

(d) During the fiscal year ending June 30, 2018, 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 2018 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2018 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, 2018, 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, 2017, and on other occasions during fiscal year 2018 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, 2018, 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, which 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, 2018, 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 2018 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 2018 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, 2018, 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. 97.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (264-00-1000-0300).....\$4,000,876

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the 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:

Mined-land conservation and reclamation fee fund (264-00-2233-2220).....No limit

Publication fee fund – environment (264-00-2544-2195).....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, 2019, 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 2019, expenditures may

be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2019 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
Surface mining fee fund (264-00-2233-2220).....	No limit
Kansas newborn screening fee fund (264-00-2000-2119).....	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
Superfund state cooperative agreements – federal fund (264-00-1800-1815).....	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
ARRA Kansas clean diesel assistance program grant – federal fund (264-00-3072-3095).....	No limit
Performance partnership grants – federal fund (264-00-3295-3295).....	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
Contaminated property redevelopment act – federal fund.....	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 operator expense reimbursement for drinking water – federal fund (264-00-3086-4200).....	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</i> , 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: <i>Provided further</i> , That expenditures from this fund shall be made to provide for the payment of such matching grants.	
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
Debt service reserve fund (264-00-7538-7726).....	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
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 – federal fund (264-00-17-7396-7096).....No limit
 (c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified as follows:

Contamination remediation (264-00-1800-1802).....\$688,301
Provided, That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

TMDL initiatives and use attainability analysis (264-00-1800-1805).....\$276,307
Provided, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Watershed restoration and protection plan (264-00-1800-1808).....\$555,884
Provided, That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Nonpoint source program (264-00-1800-1804).....\$298,980
Provided, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(d) During the fiscal year ending June 30, 2019, 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 2019 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2019 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, 2019, 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, 2018, and on other occasions during fiscal year 2019 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 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, 2019, 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, which 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, 2019, 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 2019 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 2019 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, 2019, 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. 98.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

LTC – medicaid assistance – NF (390-00-1000-0520).....\$11,735,500

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 22(g) of 2017 Senate Substitute for Substitute for House Bill No. 2052 on the Osawatomie state hospital fee fund (494-00-2079-4200) is hereby decreased from \$6,489,674 to \$4,389,674.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 22(h) of 2017 Senate Substitute for Substitute for House Bill No. 2052 on the title XIX fund (039-00-2595-4130) is hereby increased from \$35,295,992 to \$40,195,992.

Sec. 99.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Administration official hospitality (039-00-1000-0204).....\$1,748

Provided, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2017, is hereby reappropriated to the administration official hospitality account for fiscal year 2018.

Administration – assessments (039-00-1000-0210).....\$451,858

Provided, That any unencumbered balance in the administration – assessments

account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Senior care act (039-00-1000-0260).....\$2,515,000

Provided, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 2017 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 2017: *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 2018 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 2017: *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 which 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).....\$3,845,725

Provided, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 2017 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 2017: *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 2018 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 2017: *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 which are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance – NF (039-00-1000-0520).....\$616,064,457

Provided, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*; That in addition to the other purposes for which expenditures may be made by the above agency from the LTC – medicaid assistance – NF account of the state general fund for fiscal year 2018, expenditures shall be made by the above agency from the LTC – medicaid assistance – NF account of the state general fund for fiscal year 2018 for the purpose of providing a 3% rate increase for providers of home and community based services under each of the waivers provided by section 1915(c) of the federal social security act.

LTC – medicaid assistance – PACE (039-00-1000-0530).....\$7,129,380

Provided, That any unencumbered balance in the LTC – medicaid assistance – PACE

account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That all expenditures made from the LTC – medicaid assistance – PACE account shall be for the PACE program: *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 which are determined to be the most economical services available with regard to state general fund expenditures.

Nursing facilities regulation (039-00-1000-0710).....\$1,058,396

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Nursing facilities regulation – title XIX (039-00-1000-0712).....\$1,350,841

Provided, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Health occupational credentialing (039-00-1000-0800).....\$673,270

State operations (039-00-1000-0801).....\$17,525,723

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$2,174,369

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Mental health and intellectual disabilities aid and assistance

(039-00-1000-4001).....\$29,935,866

Provided, That any unencumbered balance in the mental health and intellectual disabilities aid and assistance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Community mental health centers supplemental

funding (039-00-1000-3001).....\$33,180,993

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That, if 2017 House Bill No. 2180, or any other legislation that directs the director of accounts and reports to transfer moneys from the medical assistance fee fund to the community mental health center improvement fund during fiscal year 2018, is passed by the legislature during the 2017 regular session and enacted into law, then on July 1, 2017, or as soon thereafter as such transfer is made, as certified by the director of the budget, of the amount appropriated for fiscal year 2018 by this section from the state general fund in the community mental health centers supplemental funding account, the sum of \$3,500,000 is hereby lapsed: *And provided further*, That, if the amount of moneys transferred from the medical assistance fee fund to the community mental health centers supplemental funding account during fiscal year 2018 pursuant to such legislation is less than \$3,500,000, then the amount of moneys lapsed under this proviso shall be equal to the amount of moneys transferred: *And provided further*, That, if 2017 House Bill No. 2313, or any

other legislation that directs the director of accounts and reports to transfer moneys from the lottery operating fund to the community crisis stabilization centers fund during fiscal year 2018, is passed by the legislature during the 2017 regular session and enacted into law, then on July 1, 2017, or as soon thereafter as such transfer is made, as certified by the director of the budget, of the amount appropriated for fiscal year 2018 by this section from the state general fund in the community mental health centers supplemental funding account, the sum of \$3,000,000 is hereby lapsed: *And provided further*; That when the director of the budget makes any certification under this proviso, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Community aid (039-00-1000-3004).....\$17,257,484
Provided, That any unencumbered balance in the community aid program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Kansas neurological institute – operating expenditures
 (363-00-1000-0303).....\$9,459,803
Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, which were 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).....\$36,137,277
Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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.

Larned state hospital – sexual predator treatment
 program (410-00-1000-0200).....\$17,181,173
Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Osawatomie state hospital – operating expenditures
 (494-00-1000-0100).....\$12,501,696
Provided, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*; That expenditures from the Osawatomie state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*; That, of the moneys

appropriated in the Osawatomi state hospital – operating expenditures account, \$4,700,000 shall be expended for the purpose of opening and operating 20 additional beds at the Osawatomi state hospital: *And provided further*, That if the secretary is unable to open and operate such additional beds, the secretary shall expend such funds to enter into an agreement for such additional bed space at a third-party facility.

Osawatomi state hospital – certified care expenditures (494-00-1000-0101).....	\$7,995,908
Parsons state hospital and training center – operating expenditures (507-00-1000-0100).....	\$9,744,986

Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, which were 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).....	\$1,946,544
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, 2017, is hereby reappropriated for fiscal year 2018.

Larned state hospital – SPTP reintegration program (410-00-1000-0400).....	\$1,886,721
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Provided, That any unencumbered balance in the Larned state hospital – SPTP reintegration account in excess of \$100 as of June 30, 2017, is hereby reappropriated to the Larned state hospital – SPTP reintegration program account for fiscal year 2018.

Any unencumbered balance in excess of \$100 as of June 30, 2017, in each of the following accounts is hereby reappropriated for fiscal year 2018: Administration – medicaid (039-00-1000-0240), community based services (039-00-1000-3003).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund (039-00-2595-4130).....	No limit
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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
Osawatomi state hospital title XIX	
reimbursements fund (494-00-2080-4300).....	No limit
Osawatomi 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).....	\$1,744,846
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).....	\$3,444,194
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
Osawatomi state hospital – canteen fund (494-00-7807-5600).....	No limit
Osawatomi state hospital – patient benefit	
fund (494-00-7914-5700).....	No limit
Osawatomi state hospital – work therapy patient benefit	
fund (494-00-7939-5800).....	No limit
Osawatomi state hospital – motor pool revolving	
fund (494-00-6164-5200).....	No limit
Osawatomi state hospital – cottage revenue and expenditures	
fund (494-00-2159-2159).....	No limit
Osawatomi state hospital – training fee revolving	
fund (494-00-2602-2000).....	No limit

Provided, That all moneys received as fees for training activities for Osawatomi 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 Osawatomi state hospital – training fee revolving fund: *Provided further*, That the superintendent of Osawatomi state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomi 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 Osawatomi state hospital.

Osawatomie state hospital fee fund (494-00-2079-4200).....\$1,589,186
Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie 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 Osawatomie 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 Osawatomie 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 Osawatomie state hospital fee fund.

Osawatomie state hospital certified care fund (494-00-2079-4201).....\$2,398,316
 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).....\$1,372,386

Provided, 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: *Provided further*, 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: *And provided further*, 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

Provided, That transfers of moneys from the survey & certification – federal fund to the state fire marshal may be made during fiscal year 2018 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).....\$4,500,000

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 2017 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 2017:

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 2018 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 2017: *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 which 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. 2016 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2016 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. 2016 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).....	No limit
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 (039-00-3284-1321).....	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
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.

Mental health grants – state highway fund (039-00-2160-2160).....\$9,750,000
Provided, That on July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, 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.

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.....No limit
 Community crisis stabilization centers fund.....No limit
 Clubhouse model program fund.....No limit

(c) On July 1, 2017, and on other occasions during fiscal year 2018 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, 2017, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital – canteen fund (494-00-7807-5600) to the Osawatomie state hospital – patient benefit fund (494-00-7914-5700).

(e) On July 1, 2017, 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, 2017, 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 (410-00-7806-7000) fund to the Larned state hospital – patient benefit fund (410-00-7912-7100).

(g) During the fiscal year ending June 30, 2018, 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, 2018, 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 2018 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 2018 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, 2018, 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 2018 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 2018 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 2018 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 2018 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2017 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 2018 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 2018: *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 2018 for the Kansas department for

aging and disability services, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2018 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, 2017, 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, 2017, 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) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2018 for the Kansas department for aging and disability services as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2018 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the Kansas department for aging and disability services: *Provided*, That all moneys received by the Kansas department for aging and disability services 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 DADS social welfare fund (039-00-2141-2195).

(n) On June 30, 2018, notwithstanding the provisions of K.S.A. 2016 Supp. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the problem gambling and addictions grant fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the problem gambling and addictions grant 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 which are performed on behalf of the Kansas department for aging and disability services by other state agencies which receive appropriations from the state general fund to provide such services.

(o) On July 1, 2017, the mental health and retardation services aid and assistance account of the state general fund of the Kansas department for aging and disability services is hereby redesignated as the mental health and intellectual disabilities aid and assistance account of the state general fund of the Kansas department for aging and disability services.

(p) On July 1, 2017, the health policy nursing facility quality care fund of the

Kansas department for aging and disability services is hereby redesignated as the quality care services fund of the Kansas department for aging and disability services.

(q) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 by this or any other appropriation act of the 2017 or 2018 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 2018 to provide medicaid reimbursement for clubhouse rehabilitation services and to enter into contracts with certified clubhouse providers for such services: *Provided*, That, as used in this subsection, "clubhouse rehabilitation services" means a community-based psychosocial rehabilitation program in which the member, with staff assistance, is engaged in operating all aspects of the clubhouse, including food, clerical, reception, janitorial and other member services such as employment training, housing assistance and educational support, and that is designed to alleviate emotional or behavior problems with the goal of transitioning to a less restrictive level of care, reintegrating the member into the community and increasing social connectedness beyond a clinical or employment setting.

(r) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 by this or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from such moneys to establish a mental health task force: *Provided*, That such task force shall consist of 11 members appointed as follows: (1) One individual appointed by the president of the senate; (2) one individual appointed by the minority leader of the senate; (3) one individual appointed by the speaker of the house of representatives; (4) one individual appointed by the minority leader of the house of representatives; (5) one public mental health system provider; (6) one private mental health system provider; (7) one consumer of mental health services; (8) one family member of a consumer of mental health services; (9) one representative of the Kansas department for aging and disability services; and (10) two representatives of advocacy organizations for persons with mental illness; each of the members listed in paragraphs (5) through (10) appointed by the legislative coordinating council: *Provided, however*, That no member of such task force shall be a legislator: *Provided further*, That such task force shall study the following topics: The Kansas mental health delivery system; the most effective ways to deliver mental health services, including the varied services required for individuals of varying ages; the certification process of Osawatomie state hospital; a comprehensive strategy for delivery of mental health services; the maximization of federal and other funding sources for mental health services; the statewide absence of crisis stabilization centers to provide short-term mental health crisis care of 48 hours or less; options for privatization of mental health services; and other matters relating to mental health services as such task force deems appropriate: *And provided further*, That such task force shall submit a report on the task force's findings to the senate standing committees on ways and means and public health and welfare and the house of representatives standing committees on appropriations and health and human services on or before January 8, 2018.

(s) During the fiscal year ending June 30, 2018, 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 2018 by the above agency by this or any other appropriation act of the 2017 or 2018 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 2018 to prepare and submit reports concerning medicaid home and community based services waivers on or before July 1, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, 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.

(t) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the state general fund or from any special revenue fund or funds for fiscal year 2017 or fiscal year 2018 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapter 12 or 111 of the 2016 Session Laws of Kansas, 2017 Senate Substitute for Substitute for House Bill No. 2052, this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the above agency to conduct an engineering survey on all buildings on the grounds of the Osawatomie state hospital: *Provided*, That such report shall determine whether such buildings can be renovated and shall include the estimated cost of renovation and, if the building cannot be renovated, the estimated cost of demolition: *Provided further*, That such report will be presented 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 8, 2018.

(u) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the state general fund or from any special revenue fund or funds for fiscal year 2017 or fiscal year 2018 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapter 12 or 111 of the 2016 Session Laws of Kansas, 2017 Senate Substitute for Substitute for House Bill No. 2052, this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the above agency to issue a request for proposals for the construction of a 100-bed psychiatric care facility at the Osawatomie state hospital: *Provided*, That the above agency will issue a report detailing the results of the request 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 8, 2018.

(v) There is appropriated from the above agency from the children's initiatives fund for the fiscal year ending June 30, 2018, 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, 2017, is hereby reappropriated for fiscal year 2018.

(w) During the fiscal year ending June 30, 2018, 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 2018 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.

Sec. 100.

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:

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, 2018, is hereby reappropriated for fiscal year 2019.

Administration – assessments (039-00-1000-0210).....\$456,742

Provided, That any unencumbered balance in the administration – assessments – Level I care account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Senior care act (039-00-1000-0260).....\$2,515,000

Provided, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 2018 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 2018: *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 2019 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 2018: *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 which 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).....\$3,845,725

Provided, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 2018 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 2018: *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

2019 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 2018: *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 which are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance – NF (039-00-1000-0520).....\$651,956,862

Provided, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That in addition to the other purposes for which expenditures may be made by the above agency from the LTC – medicaid assistance – NF account of the state general fund for fiscal year 2019, expenditures shall be made by the above agency from the LTC – medicaid assistance – NF account of the state general fund for fiscal year 2019 for the purpose of providing a 4% rate increase for providers of home and community based services under each of the waivers provided by section 1915(c) of the federal social security act.

LTC – medicaid assistance – PACE (039-00-1000-0530).....\$7,129,380

Provided, That any unencumbered balance in the LTC – medicaid assistance – PACE account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That all expenditures made from the LTC – medicaid assistance – PACE account shall be for the PACE program: *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 which are determined to be the most economical services available with regard to state general fund expenditures.

Nursing facilities regulation (039-00-1000-0710).....\$1,059,462

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Nursing facilities regulation – title XIX (039-00-1000-0712).....\$1,362,703

Provided, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Health occupational credentialing (039-00-1000-0800).....\$673,756

State operations (039-00-1000-0801).....\$17,642,543

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated to the state operations account for fiscal year 2019: *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).....\$2,174,369

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Mental health and intellectual disabilities aid and assistance (039-00-1000-4001).....\$23,132,722

Provided, That any unencumbered balance in the mental health and intellectual disabilities aid and assistance account in excess of \$100 as of June 30, 2018, is hereby

reappropriated for fiscal year 2019.

Community mental health centers supplemental funding (039-00-1000-3001).....\$35,880,993

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That, if 2017 House Bill No. 2180, or any other legislation that directs the director of accounts and reports to transfer moneys from the medical assistance fee fund to the community mental health center improvement fund during fiscal year 2019, is passed by the legislature during the 2017 regular session and enacted into law, then on July 1, 2018, or as soon thereafter as such transfer is made, as certified by the director of the budget, of the amount appropriated for fiscal year 2019 by this section from the state general fund in the community mental health centers supplemental funding account, the sum of \$5,000,000 is hereby lapsed: *And provided further*; That, if the amount of moneys transferred from the medical assistance fee fund to the community mental health centers supplemental funding account during fiscal year 2019 pursuant to such legislation is less than \$5,000,000, then the amount of moneys lapsed under this proviso shall be equal to the amount of moneys transferred: *And provided further*; That, if 2017 House Bill No. 2313, or any other legislation that directs the director of accounts and reports to transfer moneys from the lottery operating fund to the community crisis stabilization centers fund during fiscal year 2019, is passed by the legislature during the 2017 regular session and enacted into law, then on July 1, 2018, or as soon thereafter as such transfer is made, as certified by the director of the budget, of the amount appropriated for fiscal year 2019 by this section from the state general fund in the community mental health centers supplemental funding account, the sum of \$6,000,000 is hereby lapsed: *And provided further*; That, when the director of the budget makes any certification under this proviso, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Community aid (039-00-1000-3004).....\$17,257,484

Provided, That any unencumbered balance in the community aid account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Kansas neurological institute – operating expenditures (363-00-1000-0303).....\$9,510,399

Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, which were 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).....\$36,478,239

Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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.

Larned state hospital – sexual predator treatment

program (410-00-1000-0200).....\$17,197,449

Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Osawatomie state hospital – operating

expenditures (494-00-1000-0100).....\$10,229,235

Provided, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*, That, of the moneys appropriated in the Osawatomie state hospital – operating expenditures account, \$4,700,000 shall be expended for the purpose of opening and operating 20 additional beds at the Osawatomie state hospital: *And provided further*, That if the secretary is unable to open and operate such additional beds, the secretary shall expend such funds to enter into an agreement for such additional bed space at a third-party facility.

Osawatomie state hospital – certified care

expenditures (494-00-1000-0101).....\$8,000,000

Provided, That any unencumbered balance in the Osawatomie state hospital – certified care expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided, however*, That expenditures from the Osawatomie state hospital – certified care account for official hospitality shall not exceed \$150.

Parsons state hospital and training center – operating

expenditures (507-00-1000-0100).....\$9,805,748

Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, which were 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).....\$1,949,103

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, 2018, is hereby reappropriated for fiscal year 2019.

Larned state hospital – SPTP reintegration (410-00-0400).....\$1,888,206
Provided, That any unencumbered balance in the Larned state hospital – SPTP reintegration account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Any unencumbered balance in excess of \$100 as of June 30, 2018, in each of the following accounts is hereby reappropriated for fiscal year 2019: Administration – medicaid (039-00-1000-0240), Administration – older Americans act match (039-00-1000-0250), community based services (039-00-1000-3003).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

Osawatomie state hospital title XIX reimbursements fund (494-00-2080-4300).....No limit

Osawatomie 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).....\$1,746,245

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).....\$3,946,302

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
Osawatomi state hospital – canteen fund (494-00-7807-5600).....	No limit
Osawatomi state hospital – patient benefit fund (494-00-7914-5700).....	No limit
Osawatomi state hospital – work therapy patient benefit fund (494-00-7939-5800).....	No limit
Osawatomi state hospital – motor pool revolving fund (494-00-6164-5200).....	No limit
Osawatomi state hospital – cottage revenue and expenditures fund (494-00-2159-2159).....	No limit
Osawatomi state hospital – training fee revolving fund (494-00-2602-2000).....	No limit

Provided, That all moneys received as fees for training activities for Osawatomi 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 Osawatomi state hospital – training fee revolving fund: *Provided further*, That the superintendent of Osawatomi state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomi 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 Osawatomi state hospital.

Osawatomi state hospital fee fund (494-00-2079-4200).....	\$1,469,674
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Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomi 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 Osawatomi 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 Osawatomi 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 Osawatomi state hospital fee fund.

Osawatomi state hospital certified care (494-00-2079-4201).....	\$2,220,000
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).....	\$1,372,386

Provided, 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: *Provided further*, 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: *And provided further*, 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

Provided, That transfers of moneys from the survey & certification – federal fund to the state fire marshal may be made during fiscal year 2019 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).....\$4,500,000

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 2018 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 2018: *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 2019 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 2018: *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 which 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. 2016 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2016 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. 2016 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).....	No limit
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 (039-00-3284-1321).....	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

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.

Mental health grants – state highway fund (039-00-2160-2160).....\$9,750,000

Provided, That on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, 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.

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.....	No limit
Community crisis stabilization centers fund.....	No limit
Clubhouse model program fund.....	No limit

(c) On July 1, 2018, and on other occasions during fiscal year 2019 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, 2018, the superintendent of Osawatomi state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomi state hospital – canteen fund (494-00-7807-5600) to the Osawatomi state hospital – patient benefit fund (494-00-7914-5700).

(e) On July 1, 2018, 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 (507-00-7808-5500) fund to the Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).

(f) On July 1, 2018, 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, 2019, 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, 2019, 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 2019 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 2019 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, 2019, 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 2019 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 2019 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 2019 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 for fiscal year 2019 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2017 or 2018 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 2019 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 2019: *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 2019 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2019 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, 2018, 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 July 1, 2018, 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) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2019 for the Kansas department for aging and disability services as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2019 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the Kansas department for aging and disability services: *Provided*, That all moneys received by the Kansas department for aging and disability services 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 DADS social welfare fund (039-00-2141-2195).

(n) On June 30, 2019, notwithstanding the provisions of K.S.A. 2016 Supp. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the problem gambling and addictions grant fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the problem gambling and addictions grant 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 which are performed on behalf of the Kansas department for aging and disability services by other state agencies which receive appropriations from the state general fund to provide such services.

(o) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by this or any other appropriation act of the 2017, 2018 or 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 2019 to provide medicaid reimbursement for clubhouse rehabilitation services and to enter into contracts with certified clubhouse providers for such services: *Provided*, That, as used in this subsection, "clubhouse rehabilitation services" means a community-based psychosocial rehabilitation program in which the member, with staff assistance, is engaged in operating all aspects of the clubhouse, including food, clerical, reception, janitorial and other member services such as employment training, housing assistance and educational support, and that is designed to alleviate emotional or behavior problems with the goal of transitioning to a less restrictive level of care, reintegrating the member into the community and increasing social connectedness beyond a clinical or employment setting.

(p) 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 from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by the above agency by this or any other appropriation act of the 2017, 2018 or 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 2019 to prepare and submit reports concerning medicaid home and community based services waivers on or before July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, 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 and 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.

(q) There is appropriated for the above agency from the children's initiatives fund

for the fiscal year ending June 30, 2019, 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, 2018, is hereby reappropriated for fiscal year 2019.

(r) During the fiscal year ending June 30, 2019, 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 2019 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.

Sec. 101.

KANSAS DEPARTMENT
FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Youth services aid and assistance (629-00-1000-7020).....\$2,059,589
Sec. 102.

KANSAS DEPARTMENT
FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

State operations (including official hospitality) (629-00-1000-0013).....\$94,558,155
Provided, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Youth services aid and assistance (629-00-1000-7020).....\$142,070,655

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Vocational rehabilitation aid and assistance (629-00-1000-5010).....\$4,898,239

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$10,564,295

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall

not exceed the following:

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

Enhance child safety – parental substance abuse

federal fund (629-00-3304).....No limit

SRS enterprise fund (629-00-5105).....No limit

Child support enforcement federal fund (629-00-3316-9100).....No limit

Low-income home energy assistance federal fund (629-00-3305-0350).....No limit

Refugee targeted assistance federal fund (629-00-3311).....No limit

Childrens health insurance program federal

fund (629-00-3424).....No limit

SNAP employment and training exchange federal

fund (629-00-3452).....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 (629-00-3387-5311).....	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 (629-00-3389-5317).....	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 fund (629-00-3321-3321).....	No limit

(c) During the fiscal year ending June 30, 2018, 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, 2018, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2018 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, 2018, 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, 2017, 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, 2018, the following:

Child care (629-00-2000-2406).....	\$5,033,679
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Provided, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Family preservation (629-00-2000-2413).....\$2,073,612
Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(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 2018 by this or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas department for children and families from such moneys appropriated for fiscal year 2018 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 fiscal year 2018, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated for fiscal year 2018 from the state general fund or from any special revenue fund or funds by this or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas department for children and families from such moneys appropriated for fiscal year 2018 to provide a report to the house appropriations committee and the senate ways and means committee on the progress and actual expenditures to implement the acceptance of telephonic signatures for public assistance programs pursuant to the provisions of 2017 Substitute for Substitute for Senate Bill No. 95. Such report shall be submitted at the beginning of the 2018 regular session of the legislature.

Sec. 103.

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).....\$94,657,656
Provided, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Youth services aid and assistance (629-00-1000-7020).....\$141,359,774
Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Vocational rehabilitation aid and assistance (629-00-1000-5010).....\$5,132,357
Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$10,551,714

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

Enhance child safety – parental substance abuse federal fund (629-00-3304).....No limit

SRS enterprise fund (629-00-5105).....No limit

Child support enforcement federal fund (629-00-3316-9100).....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

Childrens health insurance program federal fund (629-00-3424).....No limit

SNAP employment and training exchange federal fund (629-00-3452).....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 (629-00-3387-5311).....	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 (629-00-3389-5317).....	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 fund (629-00-3321-3321).....	No limit

(c) During the fiscal year ending June 30, 2019, 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, 2019, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2019 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, 2019, 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, 2018, 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 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, 2019, 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, 2018, is hereby reappropriated for fiscal year 2019.

Family preservation (629-00-2000-2413).....\$2,073,612

Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(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 2019 by this or any other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas department for children and families from such moneys appropriated for fiscal year 2019 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.

Sec. 104.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Kansas guardianship program (261-00-1000-0300).....\$1,149,415

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Sec. 105.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Kansas guardianship program (261-00-1000-0300).....\$1,149,415

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Sec. 106.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

KPERS – employer contributions (652-00-1000-0100).....\$1,882,033

(b) On the effective date of this act, of the \$2,760,946,624 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 3(a) of chapter 4 of the 2015 Session Laws of Kansas from the state general fund in the block grants to USDs account (652-00-1000-0500), the sum of \$1,882,033 is hereby lapsed.

Sec. 107.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053)..... \$165,000

KPERS – employer contributions – USDs\$113,493,358

Provided, 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.....\$6,400,000

(b) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,593,452 from the state general fund to the school district extraordinary declining enrollment fund of the department of education.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

Teacher and administrator fee fund (652-00-2723-2060).....No limit

Sec. 108.

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:

Operating expenditures (including official hospitality) (652-00-1000-0053).....\$130,000

KPERS – employer contributions – USDs.....\$201,083,518

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 contribution layering payment.....\$6,400,000

(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 and transfers to other state agencies shall not exceed the following:

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 2019 as soon as

moneys are available.

Teacher and administrator fee fund (652-00-2723-2060).....No limit

(c) On July 1, 2018, or as soon thereafter as moneys are available, notwithstanding the provisions of section 2(d) of 2017 Senate Bill No. 19, 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 (629-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(d) On July 1, 2018, of the \$259,742,946 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of 2017 Senate Bill No. 19 from the state general fund in the KPERS – employer contributions account (652-00-1000-0100), the sum of \$232,857,897 is hereby lapsed.

Sec. 109.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (434-00-1000-0300).....\$1,299,834

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$795.

Grants to libraries and library systems – grants in

aid (434-00-1000-0410).....\$1,071,488

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, 2017, is hereby reappropriated for fiscal year 2018.

Grants to libraries and library systems – interlibrary loan

development (434-00-1000-0420).....\$1,132,613

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, 2017, is hereby reappropriated for fiscal year 2018.

Grants to libraries and library systems – talking book

services (434-00-1000-0430).....\$339,942

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, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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

Sec. 110.

STATE LIBRARY

(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 (434-00-1000-0300).....\$1,328,964

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 (434-00-1000-0400).....\$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, 2018, is hereby reappropriated for fiscal year 2019.

Grants to libraries and library systems – interlibrary loan development (434-00-1000-0420).....\$1,128,483

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, 2018, is hereby reappropriated for fiscal year 2019.

Grants to libraries and library systems – talking book services (434-00-1000-0430).....\$327,062

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, 2018, is hereby reappropriated for fiscal year 2019.

(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:

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

Sec. 111.

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, 2018, the following:

Operating expenditures (604-00-1000-0303).....\$5,224,346

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*, 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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (604-00-2093-2000).....No limit

Reserve fund (604-00-2628-2628).....No limit
 Local services reimbursement fund (604-00-2088-2500).....No limit
Provided, 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:
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 (604-00-2146-2100).....No limit
- Special bequest fund (604-00-7333-5001).....No limit
- Gift fund (604-00-7329-5100).....No limit
- Technology lending library – federal fund (604-00-3833-3500).....No limit
- Nine month payroll clearing fund (604-00-7714-5200).....No limit
- Food assistance – cash for commodities – federal fund (604-00-3036-3000).....No limit
- Food assistance – breakfast – federal fund (604-00-3037-3100).....No limit
- Food assistance – lunch – federal fund (604-00-3038-3300).....No limit
- Chapter I handicapped – federal fund (604-00-3039-3400).....No limit
- Education improvement – federal fund (604-00-3898-3750).....No limit
- Elementary and secondary education act – federal fund (604-00-3164-3200).....No limit
- Special education assistance – ARRA – federal fund (604-00-3487-3487).....No limit
- E-rate grant – federal fund (604-00-3898-3760).....No limit
- Preparation and mentoring of teachers of the blind and visually impaired – federal fund (604-00-3184-3180).....No limit
- Improve teacher quality grant – federal fund (604-00-3526-3526).....No limit
- School breakfast program – federal fund (604-00-3529-3529).....No limit
- Special education preschool grants –federal fund (604-00-3535-3535).....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

(c) Notwithstanding the provisions of K.S.A. 76-1115, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas state school for the blind from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the Kansas state school for the blind to have a superintendent of the Kansas state school for the blind that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1002, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person.

Sec. 112.

(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).....\$5,273,773
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019:
Provided, however; 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, 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:

General fees fund (604-00-2093-2000).....No limit
 Reserve fund (604-00-2628-2628).....No limit
 Local services reimbursement fund (604-00-2088-2500).....No limit

Provided, 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:
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 (604-00-2146-2100).....No limit
 Special bequest fund (604-00-7333-5001).....No limit
 Gift fund (604-00-7329-5100).....No limit
 Technology lending library – federal fund (604-00-3833-3500).....No limit
 Nine month payroll clearing fund (604-00-7714-5200).....No limit
 Food assistance – cash for commodities –
 federal fund (604-00-3036-3000).....No limit
 Food assistance – breakfast – federal fund (604-00-3037-3100).....No limit
 Food assistance – lunch – federal fund (604-00-3038-3300).....No limit
 Chapter I handicapped – federal fund (604-00-3039-3400).....No limit
 Education improvement – federal fund (604-00-3898-3750).....No limit
 Elementary and secondary education act –
 federal fund (604-00-3164-3200).....No limit
 Special education assistance – ARRA –
 federal fund (604-00-3487-3487).....No limit
 E-rate grant – federal fund (604-00-3898-3760).....No limit
 Preparation and mentoring of teachers of the blind
 and visually impaired – federal fund (604-00-3184-3180).....No limit
 Improve teacher quality grant – federal fund (604-00-3526-3526).....No limit
 School breakfast program – federal fund (604-00-3529-3529).....No limit
 Special education preschool grants – federal fund (604-00-3535-3535).....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

(c) Notwithstanding the provisions of K.S.A. 76-1115, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other

purposes for which expenditures may be made by the Kansas state school for the blind from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the Kansas state school for the blind to have a superintendent of the Kansas state school for the blind that is a separate and distinct position – from the superintendent appointed pursuant to K.S.A. 76-1002, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person.

Sec. 113.

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, 2018, the following:

Operating expenditures (610-00-1000-0303).....\$8,769,122

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (610-00-2094-2000).....No limit

Reserve fund (610-00-2720-2720).....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

Elementary and secondary education act –

federal fund (610-00-3166-3200).....No limit

Elementary and secondary education act 2009 ARRA –

federal fund (610-00-3166-3210).....No limit

Vocational education fund – federal (610-00-3167-3300).....No limit

School lunch program – federal fund (610-00-3201-3000).....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

Special education state grants ARRA – federal fund (610-00-3487-3487).....No limit

Special education preschool ARRA – federal fund (610-00-3514-3514).....No limit

Improve teacher quality grant – federal fund (610-00-3526-3526).....No limit

School breakfast program – federal fund (610-00-3529-3529).....No limit

National school lunch program ARRA –

federal fund (610-00-3530-3530).....	No limit
Special education preschool grants – federal fund (610-00-3535-3535).....	No limit
Personnel development grant – federal fund (610-00-3184-3184).....	No limit
Safe schools – federal fund (610-00-3569-3569).....	No limit
Summer food service program – federal fund (610-00-3591-3591).....	No limit

(c) Notwithstanding the provisions of K.S.A. 76-1002, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the Kansas state school for the deaf to have a superintendent of the Kansas state school for the deaf that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1115, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person: *Provided further*, That in selecting a superintendent of the Kansas state school for the deaf, the state board of education shall select an individual who demonstrates professional fluency in American sign language and English.

Sec. 114.

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).....	\$8,838,983
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the 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:

General fees fund (610-00-2094-2000).....	No limit
Reserve fund (610-00-2720-2720).....	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
Elementary and secondary education act –	
federal fund (610-00-3166-3200).....	No limit
Elementary and secondary education act 2009 ARRA – federal	
fund (610-00-3166-3210).....	No limit
Vocational education fund – federal (610-00-3167-3300).....	No limit
School lunch program – federal fund (610-00-3201-3000).....	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
Special education state grants ARRA – federal fund (610-00-3487-3487).....	No limit
Special education preschool ARRA – federal fund (610-00-3514-3514).....	No limit
Improve teacher quality grant – federal fund (610-00-3526-3526).....	No limit
School breakfast program – federal fund (610-00-3529-3529).....	No limit
National school lunch program ARRA – federal fund (610-00-3530-3530).....	No limit
Special education preschool grants – federal fund (610-00-3535-3535).....	No limit
Personnel development grant – federal fund (610-00-3184-3184).....	No limit
Safe schools – federal fund (610-00-3569-3569).....	No limit
Summer food service program – federal fund (610-00-3591-3591).....	No limit

(c) Notwithstanding the provisions of K.S.A. 76-1002, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the Kansas state school for the deaf to have a superintendent of the Kansas state school for the deaf that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1115, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person: *Provided further*, That in selecting a superintendent of the Kansas state school for the deaf, the state board of education shall select an individual who demonstrates professional fluency in American sign language and English.

Sec. 115.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (288-00-1000-0083).....	\$3,881,146
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Kansas humanities council (288-00-1000-0600).....	\$50,501
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 \$55,404.

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 2018 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, 2018, 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 2018, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2018 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 2018 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. 116.

STATE HISTORICAL SOCIETY

(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 (288-00-1000-0083).....\$3,897,369
- Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.
- 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, 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:

- 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 \$56,244.

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 2019 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, 2019, 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 2019, as authorized by this or other appropriation act of the 2017 or 2018 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 2019 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 2019 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. 117.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (246-00-1000-0013).....\$31,407,939

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Master's-level nursing capacity (246-00-1000-0100).....\$130,566

Kansas wetlands education center at Cheyenne bottoms (246-00-1000-0200).....\$249,029

Provided, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Kansas academy of math and science (246-00-1000-0300).....\$697,529

Provided, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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.

(c) On July 1, 2017, 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. 118.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (246-00-1000-0013).....	\$31,552,129
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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, 2018, is hereby reappropriated for fiscal year 2019.

Master's-level nursing capacity (246-00-1000-0100).....	\$130,758
Kansas wetlands education center at	

Cheyenne bottoms (246-00-1000-0200).....	\$249,368
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Provided, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Kansas academy of math and science (246-00-1000-0300).....	\$698,023
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Provided, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (246-00-5185-5050).....	No limit
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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.

(c) On July 1, 2018, 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. 119.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003).....	\$89,780,558
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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, 2017, is hereby reappropriated for fiscal year 2018.

Midwest institute for comparative stem cell biology (367-00-1000-0170).....	\$124,640
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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, 2017, is hereby reappropriated for fiscal year 2018.

Global food systems (367-00-1000-0190).....\$960,000

Provided, That unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*; That all moneys in the global food systems account expended for fiscal year 2018 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 2018.

Kansas state university polytechnic campus (367-00-1000-0150).....\$5,837,859

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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; 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 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.

Housing system repairs, equipment and improvement fund (367-00-5641-4740).....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
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.

Energy conservation improvements fund (367-00-8222).....No limit
 Animal health research fund (367-00-2053-2053).....No limit
 National bio agro-defense facility fund (367-00-2058-2058).....No limit
Provided, 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 2018, 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.

(c) On July 1, 2017, 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).

(d) On July 1, 2017, the board of regents – U.S. department of education awards fund (367-00-3855-3350) is hereby redesignated as the federal award advance payment – U.S. department of education awards fund (367-00-3855-3350).

(e) On July 1, 2017, the Salina – housing system operation fund (367-00-5117-

4430) is hereby redesignated as the Salina housing system revenue fund (367-00-5117-4430).

Sec. 120.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003).....\$91,031,275

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Midwest institute for comparative stem cell biology (367-00-1000-0170).....\$125,938

Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Global food systems (367-00-1000-0190).....\$970,000

Provided, That any unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*, That all moneys in the global food systems account expended for fiscal year 2019 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 2019.

Kansas state university polytechnic campus (367-00-1000-0150).....\$5,920,065

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking 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; 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.

- Housing system repairs, equipment and improvement fund (367-00-5641-4740).....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

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.

- Energy conservation improvements fund (367-00-8222).....No limit
- Animal health research fund (367-00-2053-2053).....No limit
- National bio agro-defense facility fund (367-00-2058-2058).....No limit

Provided, 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 2019, 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.

(c) On July 1, 2018, 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).

(d) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state general fund to the national bio agro-defense facility fund (367-00-2058-2058) of Kansas state university.

Sec. 121.

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, 2018, the following:

Cooperative extension service (including official
 hospitality) (369-00-1000-1020).....\$17,528,414

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Agricultural experiment stations (including official
 hospitality) (369-00-1000-1030).....\$28,091,957

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 2018: *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, 2018, the following:

Agricultural experiment stations (369-00-1900-1900).....\$294,659

(d) During the fiscal year ending June 30, 2018, no moneys appropriated from the state general fund or any special revenue fund or funds for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, for: (1) Any financial aid or other support for any 4-H competitive events or activities at county fairs for which the minimum age for participants is increased from 7 years of age to 9 years of age; or (2) any financial aid or other support for any 4-H organization or unit that sponsors competitive events at county fairs and that is planning to increase or has increased the minimum age for participants in such events from 7 years of age to 9 years of age.

Sec. 122.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
 AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Cooperative extension service (including official hospitality) (369-00-1000-1020).....\$17,565,919

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Agricultural experiment stations (including official hospitality) (369-00-1000-1030).....\$28,158,705

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 2019: *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, 2019, the following:

Agricultural experiment stations (369-00-1900-1900).....\$295,046

(d) During the fiscal year ending June 30, 2019, no moneys appropriated from the state general fund or any special revenue fund or funds for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, for: (1) Any financial aid or other support for any 4-H competitive events or activities at county fairs for which the minimum age for participants is increased from 7 years of age to 9 years of age; or (2) any financial aid or other support for any 4-H organization or unit that sponsors competitive events at county fairs and that is planning to increase or has increased the minimum age for participants in such events from 7 years of age to 9 years of age.

Sec. 123.

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, 2018, the following:

Operating expenditures (including official hospitality)
 (368-00-1000-5003).....\$9,164,548

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Operating enhancement (368-00-1000-5023).....\$4,820,967

Provided, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018:

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, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 (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; 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, 2017, 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. 124.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official
hospitality) (368-00-1000-5003).....\$9,234,741

Provided, That any unencumbered balance in the operating expenditures (including

official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Operating enhancement (368-00-1000-5023).....\$4,842,934

Provided, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019:

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, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 (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; 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, 2018, 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. 125.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (379-00-1000-0083).....\$30,466,691

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That, of the moneys appropriated in the operating expenditures (including official hospitality) account, \$500,000 shall be expended for the nursing program.

Reading recovery program (379-00-1000-0100).....\$206,695

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).....\$125,558

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking 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

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.

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

(c) On July 1, 2017, 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. 126.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (379-00-1000-0083).....\$30,065,500

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Reading recovery program (379-00-1000-0100).....\$206,836

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).....\$125,566

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking 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
- 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.

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

(c) On July 1, 2018, 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. 127.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (385-00-1000-0063).....	\$32,733,957
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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, 2017, is hereby reappropriated for fiscal year 2018.

School of construction (385-00-1000-0200).....	\$721,517
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Provided, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Polymer science program (385-00-1000-0300).....	\$963,757
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Provided, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (385-00-5187-5060).....	No limit
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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
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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.

(c) During the fiscal year ending June 30, 2018, 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).

(d) On July 1, 2017, the college work study fund (385-00-3498-3030) is hereby redesignated as the college work study federal fund (385-00-3498-3030).

Sec. 128.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (385-00-1000-0063).....	\$32,828,070
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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, 2018, is hereby reappropriated for fiscal year 2019.

School of construction (385-00-1000-0200).....	\$722,041
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Provided, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Polymer science program (385-00-1000-0300).....	\$964,382
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Provided, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (385-00-5187-5060).....	No limit
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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.

(c) During the fiscal year ending June 30, 2019, 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. 129.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official
hospitality) (682-00-1000-0023).....\$122,379,585

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Geological survey (682-00-1000-0170).....\$5,699,859

Provided, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 2018, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2018 for seismic surveys in an amount not less than \$100,000.

Umbilical cord matrix project (682-00-1000-0370).....\$124,913
Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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.

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
Provided, 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 reser center construction fund (682-00-2890-2890).....No limit
- Kan-grow engineering fund – KU (682-00-2153-2153).....No limit

(c) On July 1, 2017, 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).

(d) There is appropriated for the above agency from the state water plan fund for

the fiscal year ending June 30, 2018, for the water plan project or projects specified, the following:

- Geological survey (682-00-1800-1810).....\$26,841
- Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2017, in the geological survey account is hereby reappropriated for fiscal year 2018.
- Sec. 130.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

- Operating expenditures (including official hospitality) (682-00-1000-0023).....\$123,932,492
- Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

- Geological survey (682-00-1000-0170).....\$5,774,032
- Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 2019, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2019 for seismic surveys in an amount not less than \$100,000.

- Umbilical cord matrix project (682-00-1000-0370).....\$126,450
- Provided*, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Parking 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.

- 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
Provided, 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

(c) On July 1, 2018, 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 student 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).

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the water plan project or projects specified, the following:

Geological survey (682-00-1800-1810).....	\$26,841
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2018, in the geological survey account is hereby reappropriated for fiscal year 2019.

Sec. 131.

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, 2018, the following:

Operating expenditures (including official hospitality) (683-00-1000-0503).....	\$95,124,592
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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, 2017, is hereby reappropriated for fiscal year 2018: *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).....	\$4,339,349
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Provided, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Midwest stem cell therapy center (683-00-1000-0800).....	\$723,673
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Provided, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year

2018.

Rural health bridging (683-00-1000-1010).....	\$135,358
Cancer center research (683-00-1000-0700).....	\$4,950,814

Provided, That any unencumbered balance in the cancer center research account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That all moneys in the cancer center research account expended for fiscal year 2018 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 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (683-00-2108-2500).....	No limit
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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
<i>Provided</i> , 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
<i>Provided</i> , 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).....	No limit
Service clearing fund (683-00-6007).....	No limit
<i>Provided</i> , 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.	
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</i> , 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.	
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.....	No limit
Rural health bridging psychiatry fund	No limit

(c) On July 1, 2017, 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 Perkins student loan fund (683-00-7515-7550); 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, 2018, 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.

(e) On July 1, 2017, the parking fund – Wichita campus (683-00-5180-5590) is hereby redesignated as the parking fee fund – Wichita campus (683-00-5180-5590).

(f) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the rural health bridging psychiatry fund.

Sec. 132.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (683-00-1000-0503).....	\$95,605,572
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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, 2018, is hereby reappropriated for fiscal year 2019: *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).....	\$4,353,262
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Provided, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Midwest stem cell therapy center (683-00-1000-0800).....\$726,733
Provided, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Rural health bridging (683-00-1000-1010).....\$135,792
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, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*, That all moneys in the cancer center research account expended for fiscal year 2019 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 2019.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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.

Faculty of distinction matching fund (683-00-2476-2400).....No limit

Midwest stem cell therapy center fund (683-00-2072-2072).....\$0

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
<i>Provided</i> , 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
<i>Provided</i> , 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).....	No limit
Service clearing fund (683-00-6007).....	No limit
<i>Provided</i> , 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.	
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).....	No limit
<i>Provided</i> , 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.	
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 (683-00-3148-3140).....	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.....	No limit
Rural health bridging psychiatry fund.....	No limit

(c) On July 1, 2018, 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 Perkins student loan fund (683-00-7515-7550); 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, 2019, 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.

(e) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the rural health bridging psychiatry fund.

Sec. 133.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (715-00-1000-0003).....	\$60,668,439
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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, 2017, is hereby reappropriated for fiscal year 2018.

Aviation research (715-00-1000-0015).....	\$4,809,000
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Provided, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That all moneys in the aviation research account expended for fiscal year 2018 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 2018.

Technology transfer facility (715-00-1000-0005).....\$1,924,000
Aviation infrastructure (715-00-1000-0010).....\$3,367,000

Provided, That during the fiscal year ending June 30, 2018, 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 2018 by Wichita state university by this or other appropriation act of the 2017 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2018 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, 2018, 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

Provided, 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
Matching education opportunity grant fund (715-00-2480-2480).....	No limit
Health professions student assistance program – loans fund (715-00-7520-7020).....	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
Housing system renovation K DFA fund (715-00-5006).....	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
University federal fund (715-00-3149-3140).....	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.

Leveraging educational assistance partnership (715-00-3119-3190).....	No limit
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
University payroll fund (715-00-9808).....	No limit

(c) On July 1, 2017, the pell grants fund (715-00-3366-3120) is hereby redesignated as the pell grants federal fund (715-00-3366-3120).

(d) On July 1, 2017, the housing system renovation principal and interest fund (715-00-5006) is hereby redesignated as the housing system renovation K DFA fund (715-00-5006).

(e) On July 1, 2017, the Perkins loan fund (715-00-7519-7010) is hereby redesignated as the national direct student loan fund (715-00-7519-7010).

Sec. 134.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (715-00-1000-0003).....\$61,396,912

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Aviation research (715-00-1000-0015).....\$4,850,000

Provided, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That all moneys in the aviation research account expended for fiscal year 2019 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 2019.

Technology transfer facility (715-00-1000-0005).....\$1,940,000

Provided, That any unencumbered balance in the technology transfer facility account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Aviation infrastructure (715-00-1000-0010).....\$3,396,000

Provided, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That 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 from the aviation infrastructure account for fiscal year 2019 by Wichita state university by this or other appropriation act of the 2017 or 2018 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2019 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, 2019, 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. 75-3711(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

Provided, 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

Matching education opportunity grant fund (715-00-2480-2480).....No limit

Health professions student assistance program –
loans fund (715-00-7520-7020).....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

Housing system renovation K DFA fund (715-00-5006).....No limit

Housing system renovation and bond reserve fund (715-00-5006-5221).....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

University federal fund (715-00-3149-3140).....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.

Leveraging educational assistance partnership (715-00-3119-3190).....No limit

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
University payroll fund (715-00-9808).....	No limit

Sec. 135.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (561-00-1000-0103).....	\$4,206,864
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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, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That, during fiscal year 2018, 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 2018 by the state board of regents as authorized by this or other appropriation act of the 2017 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 2018 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 2018, 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 2018 by the state board of regents as authorized by this or other appropriation act of the 2017 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 2018 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).....	\$91,200
State scholarship program (561-00-1000-4300).....	\$950,254

Provided, That any unencumbered balance in the state scholarship program account

in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816, 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.

Comprehensive grant program (561-00-1000-4500).....\$15,758,338

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

Kansas work-study program (561-00-1000-2000).....\$496,813

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$165,335

Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Military service scholarships (561-00-1000-1310).....\$460,314

Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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. 2016 Supp. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship program (561-00-1000-0800).....\$1,717,124

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

National guard educational assistance (561-00-1000-1300).....\$870,869

Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

Nursing student scholarship program (561-00-1000-4100).....\$217,255
Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

Municipal university operating grant (561-00-1000-1010).....\$11,424,883
 Adult basic education (561-00-1000-0900).....\$1,398,750
 Postsecondary tiered technical education state aid (561-00-1000-0760)..... \$55,968,922

Provided, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2018, in the postsecondary tiered technical education state aid account is greater than the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2017, in the postsecondary tiered technical education state aid account, then the difference between the amount of moneys appropriated for the fiscal year 2018 and the amount of moneys appropriated for the above agency for the fiscal year 2017 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2016 Supp. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents: *Provided further*, That no eligible institution shall receive an amount of money from the postsecondary tiered technical education state aid account in fiscal year 2018 that is less than the amount such eligible institution received from such account in fiscal year 2017, unless the amount of moneys appropriated for the above agency for fiscal year 2017 in the postsecondary tiered technical education state aid account for fiscal year 2018 is less than the amount of moneys appropriated for the above agency for fiscal year 2017 in the postsecondary tiered technical education state aid account: *And provided further*, That if the amount of moneys appropriated for the above agency for fiscal year 2018 is less than the amount of moneys appropriated for the above agency for fiscal year 2017 in the postsecondary tiered technical education state aid account, then each eligible institution shall receive an amount of moneys as determined by the state board of regents.

Non-tiered course credit hour grant (561-00-1000-0550)..... \$73,436,476
 Technology equipment at community colleges and Washburn university (561-00-1000-0500).....\$382,536

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).....\$68,722
 Tuition waivers (561-00-1000-1650).....\$64,657
 Nurse educator grant program (561-00-1000-4120).....\$118,126

Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$1,715,705

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 consumable 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).....\$19,059

Tuition for technical education (561-00-1000-0120).....\$20,750,000

Provided, 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 2018, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2018 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: *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, 2018, 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
- 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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: <i>And provided further</i> , 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
WIA youth activities federal fund (561-00-3039).....	No limit
WIA adult set-aside federal fund (561-00-3270).....	No limit
WIA 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
(c) During the fiscal year ending June 30, 2018, 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, 2018, to another item of appropriation in an account of the state general fund for fiscal year 2018. 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 2018 for such state educational institution as authorized by this or other appropriation act of the 2017 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 2018 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 2018: *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 2018 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, 2018, 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, 2017, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2018: *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, 2017, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2018.

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.

Sec. 136.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (561-00-1000-0103).....\$4,217,730

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*, That, during fiscal year 2019, 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 2019 by the state board of regents as authorized by this or other appropriation act of the 2017 or 2018 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 2019 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 2019, 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 2019 by the state board of regents as authorized by this or other appropriation act of the 2017 or 2018 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 2019 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).....\$91,200
 State scholarship program (561-00-1000-4300).....\$950,254

Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816, 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.

Comprehensive grant program (561-00-1000-4500).....\$15,758,338

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

Kansas work-study program (561-00-1000-2000).....\$496,813

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$165,335

Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Military service scholarships (561-00-1000-1310).....\$460,314

Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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. 2016 Supp. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship program (561-00-1000-0800).....\$1,147,023

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

National guard educational assistance (561-00-1000-1300).....\$870,869

Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

Nursing student scholarship program (561-00-1000-4100).....\$217,255

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

Municipal university operating grant (561-00-1000-1010).....\$11,543,883

Adult basic education (561-00-1000-0900).....\$1,398,750

Postsecondary tiered technical education state aid (561-00-1000-0760).....\$56,183,922

Provided, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2019, in the postsecondary tiered technical education state aid account is greater than the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2018, in the postsecondary tiered technical education state aid account, then the difference between the amount of moneys appropriated for the fiscal year 2019 and the amount of moneys appropriated for the above agency for the fiscal year 2018 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2016 Supp. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents: *Provided further*, That no eligible institution shall receive an amount of money from the postsecondary tiered technical education state aid account in fiscal year 2019 that is less than the amount such eligible institution received from such account in fiscal year 2018, unless the amount of moneys appropriated for the above agency for fiscal year 2018 in the postsecondary tiered technical education state aid account for fiscal year 2019 is less than the amount of moneys appropriated for the above agency for fiscal year 2018 in the postsecondary tiered technical education state aid account: *And provided further*, That if the amount of moneys appropriated for the

above agency for fiscal year 2019 is less than the amount of moneys appropriated for the above agency for fiscal year 2018 in the postsecondary tiered technical education state aid account, then each eligible institution shall receive an amount of moneys as determined by the state board of regents.

Non-tiered course credit hour grant (561-00-1000-0550).....\$73,721,476
Technology equipment at community colleges and Washburn university (561-00-1000-0500).....\$382,536

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).....\$68,722
Tuition waivers (561-00-1000-1650).....\$64,657
Nurse educator grant program (561-00-1000-4120).....\$118,126

Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$1,715,705

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 consumable 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).....\$19,076
Tuition for technical education (561-00-1000-0120).....\$20,750,000

Provided, 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 2019, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2019 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: *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, 2019, 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).....	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
<i>Provided</i> , That expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: <i>Provided further</i> ; 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: <i>And provided further</i> ; 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: <i>And provided further</i> ; 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
WIA youth activities federal fund (561-00-3039).....	No limit
WIA adult set-aside federal fund (561-00-3270).....	No limit
WIA 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 (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

(c) During the fiscal year ending June 30, 2019, 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, 2019, to another item of appropriation in an account of the state general fund for fiscal year 2019. 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 2019 for such state educational institution as authorized by this or other appropriation act of the 2017 or 2018 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 2019 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 2019: *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 2019 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, 2019, 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, 2018, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2019: *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, 2018, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2019.

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.

Sec. 137.

(a) On the effective date of this act, of the \$12,754,000 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 29(a) of 2017 Senate Substitute for Substitute for House Bill No. 2052 from the state general fund in the purchase of services account (521-00-1000-0300), the sum of \$96,922 is hereby lapsed. Sec. 138.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (521-00-1000-0603).....\$19,928,689
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$1,183,745
Provided, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Evidence based juvenile program (521-00-1000-0050).....\$8,000,000
Provided, That any unencumbered balance in the evidence based juvenile program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018: *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 2018 which 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, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$6,073,646
Provided, That any unencumbered balance in the treatment and programs – offender programs account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Treatment and programs – medical and mental (521-00-1000-0152).....\$63,141,137
Provided, That any unencumbered balance in the treatment and programs – medical and mental account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Treatment and programs – KUMC contract (521-00-1000-0154).....\$1,818,595
Provided, That any unencumbered balance in the treatment and programs – KUMC

contract account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Purchase of services (521-00-1000-0300).....\$8,900,000

Provided, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Prevention and graduated sanctions

community grants (521-00-1000-0221).....\$20,383,874

Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$14,747,988

Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$30,613,491

Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*, That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities.....\$40,318,289

Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$14,263,011

Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$12,866,521

Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$15,384,795

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$28,076,860

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*; That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility – facilities

operations (408-00-1000-0303).....\$10,551,408

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$22,879,342

Provided, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated to the Kansas juvenile correctional complex – facilities operations account for fiscal year 2018: *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).....\$15,863,555

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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
Provided, That expenditures may be made from the correctional industries fund for official hospitality.

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

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.

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 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
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.

(c) During the fiscal year ending June 30, 2018, 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, 2018, 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 2018 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 2018 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 2018 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, 2017, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2017.

(f) During the fiscal year ending June 30, 2018, 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, 2018, 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) On October 1, 2017, 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.

(i) 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 2018, 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 2018 for purchase of services.

(j) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-52,164, and amendments thereto, or any other statute, during fiscal year 2018, the director of accounts and reports shall transfer the amount certified pursuant to K.S.A. 2016 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.

(k) 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 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2018, for the secretary of corrections, in consultation with the director of the budget, to certify the amount of moneys saved in efficiencies created by the lease-purchase agreement or issuance of bonds for a new correctional institution in Lansing, Kansas, pursuant to section 213(e): *Provided*, That upon certification of the amount of any such savings, the secretary of the department of corrections shall use such moneys to provide a salary increase for correctional officers employed by the above agency: *Provided further*; That the secretary of the department of corrections shall certify such salary increases to the director of the budget and shall transmit a copy of each such certification to the director of legislative research.

Sec. 139.

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).....	\$20,091,281
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019:	
<i>Provided, however</i> ; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	
Operating expenditures – juvenile services (521-00-1000-0103).....	\$1,196,326
<i>Provided</i> , That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.	
Evidence based juvenile program (521-00-1000-0050).....	\$8,000,000
<i>Provided</i> , That any unencumbered balance in the evidence based juvenile program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.	
Community corrections (521-00-1000-0220).....	\$20,246,526
<i>Provided</i> , That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019:	
<i>Provided, however</i> ; 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 2019 which 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
<i>Provided</i> , That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019:	
<i>Provided further</i> ; 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).....	\$6,125,013
<i>Provided</i> , That any unencumbered balance in the treatment and programs – offender programs account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.	
Treatment and programs – medical and mental (521-00-1000-0152).....	\$67,635,774
<i>Provided</i> , That any unencumbered balance in the treatment and programs – medical and mental account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.	
Treatment and programs – KUMC contract (521-00-1000-0154).....	\$1,854,967
<i>Provided</i> , That any unencumbered balance in the treatment and programs – KUMC contract account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.	
Purchase of services (521-00-1000-0300).....	\$8,900,000
<i>Provided</i> , That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.	
Prevention and graduated sanctions	

community grants (521-00-1000-0221).....\$20,383,874
Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$14,862,996
Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$30,830,706
Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$40,619,942
Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$14,364,594
Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$12,951,148
Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$15,506,315
Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$28,285,268

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided, however*, That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility – facilities

operations (408-00-1000-0303).....\$10,632,326

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$23,035,496

Provided, That any unencumbered balance in the Kansas juvenile correctional complex – facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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).....\$15,863,555

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the 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:

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 communitytransition 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
<i>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.</i>	
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 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
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.

(c) During the fiscal year ending June 30, 2019, 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, 2019, 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 2019 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 2019 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 2019 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, 2018, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2018.

(f) During the fiscal year ending June 30, 2019, 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, 2019, 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) On October 1, 2018, 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.

(i) 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 2019, 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 2019 for purchase of services.

(j) Notwithstanding the provisions of K.S.A. 2016 Supp. 75-52,164, and amendments thereto, or any other statute, during fiscal year 2019, the director of accounts and reports shall transfer the amount certified pursuant to K.S.A. 2016 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. 140.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (034-00-1000-0053).....\$5,148,993

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,250.

Incident management team (034-00-1000-0105).....\$15,554

Provided, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Civil air patrol – operating expenditures (034-00-1000-0103).....\$40,683

Disaster relief (034-00-1000-0200).....\$1,315,138

Provided, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018: *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. 2016 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.

Calibrators decommission and replacement (034-00-1000).....\$315,518
 Environmental clean-up projects (034-00-1000).....\$213,893
 Any unencumbered balance in excess of \$100 as of June 30, 2017, in each of the following accounts is hereby reappropriated for fiscal year 2018: Force protection.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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
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 2018 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
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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 2018 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

(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 2018 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2017 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 2018, 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 2018 made by this or other appropriation act of the 2017 regular session of the legislature.

(d) On July 1, 2017, 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 office of emergency communications fund (034-00-2496-2496) of the adjutant general.

(e) During the fiscal year ending June 30, 2018, the adjutant general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2018, from the state general fund for the adjutant general to another item of appropriation for fiscal year 2018 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. 141.

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).....\$5,176,845

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019:

Provided, however; That expenditures from this account for official hospitality shall not exceed \$1,250.

Incident management team (034-00-1000-0105).....\$15,554

Provided, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Civil air patrol – operating expenditures (034-00-1000-0103).....\$40,922

Disaster relief (034-00-1000-0200).....\$762,465

Provided, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019: *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. 2016 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.

Any unencumbered balance in excess of \$100 as of June 30, 2018, in each of the following accounts is hereby reappropriated for fiscal year 2019: 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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas 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

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 2019 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 2019 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

(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 2019 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2017 or 2018 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 2019, 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 2019 made by this or other appropriation act of the 2017 or 2018 regular session of the legislature.

(d) On July 1, 2018, 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 office of emergency communications fund (034-00-2496-2496) of the adjutant general.

(e) During the fiscal year ending June 30, 2019, the adjutant general, 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 adjutant general to another item of appropriation for fiscal year 2019 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. 142.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, 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).....\$5,073,229
Provided, 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 2018 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 2018 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) On July 1, 2017, and January 1, 2018, or as soon thereafter each such date as

moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the fire marshal fee fund (234-00-2330-2000) of the state fire marshal to the state general fund.

(c) During the fiscal year ending June 30, 2018, 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, 2018, shall not exceed \$500,000.

(d) During the fiscal year ending June 30, 2018, 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 2018, 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 2018 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2018 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 2018 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(e) During the fiscal year ending June 30, 2018, 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 and any other resources available to the fire marshal fee fund (234-00-2330-2000) during the fiscal year 2018, 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 2018 are insufficient to meet in full the estimated expenditures for fiscal year 2018 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 2018: *Provided*, That the aggregate amount of such transfers during fiscal year 2018 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 2018, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 143.

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, 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, 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).....	\$5,031,453
<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
<i>Provided</i> , That expenditures may be made by the state fire marshal from the emergency response fund for fiscal year 2019 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: <i>Provided, however</i> , That expenditures from the emergency response fund during fiscal year 2019 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 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) On July 1, 2018, and January 1, 2019, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the fire marshal fee fund (234-00-2330-2000) of the state fire marshal to the state general fund.

(c) During the fiscal year ending June 30, 2019, 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, 2019, shall not exceed \$500,000.

(d) During the fiscal year ending June 30, 2019, 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 2019, 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 2019 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2019 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 2019 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(e) During the fiscal year ending June 30, 2019, 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 2019, 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 2019 are insufficient to meet in full the estimated expenditures for fiscal year 2019 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 2019: *Provided*, That the aggregate amount of such transfers during fiscal year 2019 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. 144.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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.

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.....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, 2018, 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

Provided, 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 (280-00-3629-3450).....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

Provided, 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

Provided, 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

Provided, 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

Provided, 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: *Provided further*; That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*; 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: *And provided further*; 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).....\$51,993,271

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

(b) On or before the 10th of each month during the fiscal year ending June 30, 2018, 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, 2017, and January 1, 2018, 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, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$12,998,317.75 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 2018 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 2018 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2017, 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, 2017, 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, 2017, and January 1, 2018, 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. 145.

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, 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:

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.

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.....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, 2019, 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

Provided, 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
Provided, 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
Provided, 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
Provided, 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

Provided, 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: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, 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: *And provided further*, 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).....\$52,353,840

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

(b) On or before the 10th of each month during the fiscal year ending June 30, 2019, 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, 2018, and January 1, 2019, 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, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$13,088,460.00 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 2019 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2019 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2018, 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, 2018, 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, 2018, and January 1, 2019, 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. 146.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (083-00-1000).....\$18,958,254

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated to the operating expenditures account for fiscal year 2018: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

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, 2017, is hereby reappropriated for fiscal year 2018: *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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 (083-00-2170).....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.....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 which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which 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.

Record check fee fund (083-00-2044-2010).....	No limit
<i>Provided</i> , 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: <i>Provided, however</i> ; 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: <i>Provided further</i> ; 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

(c) During the fiscal year ending June 30, 2018, 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 2018 made by this act or other appropriation act of the 2017 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 2018 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. 147.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (083-00-1000).....\$19,841,173

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated to the operating expenditures account for fiscal year 2019: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

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, 2018, is hereby reappropriated for fiscal year 2019: *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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas 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 (083-00-2170).....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.....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 which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which 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.

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

(c) During the fiscal year ending June 30, 2019, 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 2019 made by this act or other appropriation act of the 2017 or 2018 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 2019 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. 148.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund (206-00-2329-2500).....	No limit
Emergency medical services operating fund (206-00-2326-4000).....	\$1,500,571

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, 2018.

National bioterrorism hospital preparedness – federal fund (206-00-3398-3398).....No limit

Highway safety – federal fund (206-00-3815).....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 2018 by this or other appropriation act of the 2017 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 2018 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, instructor-coordinators and training officers: *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, instructor-coordinators and training officers: *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, instructor-coordinators and training officers 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 2018, as authorized by this or any other appropriation act of the 2017 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 2018 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, 2017, and January 1, 2018, 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, 2018, 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 2018, 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 2018 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2018 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 2018 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, 2018, 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, 2018.

(g) On July 1, 2017, and January 1, 2018, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$125,000 from the emergency medical services operating fund (206-00-2326-4000) of the emergency medical services board to the state general fund.

Sec. 149.

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, 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:

- Rural health options grant fund (206-00-2329-2500).....No limit
- Emergency medical services operating fund (206-00-2326-4000).....\$1,500,974

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, 2019.

- National bioterrorism hospital preparedness – federal fund (206-00-3398-3398).....No limit
- Highway safety – federal fund (206-00-3815).....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 2019 by this or other appropriation act of the 2017 or 2018 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 2019 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, instructor-coordinators and training

officers: *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, instructor-coordinators and training officers: *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, instructor-coordinators and training officers 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 2019, as authorized by this or any other appropriation act of the 2017 or 2018 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 2019 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, 2018, and January 1, 2019, 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, 2019, 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 2019, 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 2019 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2019 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 2019 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, 2019, 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, 2019.

(g) On July 1, 2018, and January 1, 2019, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$125,000 from the emergency medical services operating fund (206-00-2326-4000) of the emergency medical services board to the state general fund.

Sec. 150.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (626-00-1000-0303).....\$832,201
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse treatment programs (626-00-1000-0600).....\$6,571,812
Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*; That, notwithstanding the provisions of K.S.A. 2016 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 2018, 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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (626-00-2201-2000).....No limit
Statistical analysis – federal fund (626-00-3600).....No limit
Sec. 151.

KANSAS SENTENCING COMMISSION

(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 (626-00-1000-0303).....\$887,945
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse treatment programs (626-00-1000-0600).....\$6,522,804
Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That, notwithstanding the provisions of K.S.A. 2016 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 2019, 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, 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:

- General fees fund (626-00-2201-2000).....No limit
- Statistical analysis – federal fund (626-00-3600).....No limit

Sec. 152.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas commission on peace officers' standards and training fund (529-00-2583-2580).....\$596,876

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. 153.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas commission on peace officers' standards and training fund (529-00-2583-2580).....\$627,018

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. 154.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

- Operating expenditures (046-00-1000-0053).....\$9,118,769

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated to the operating expenditures account for fiscal year 2018: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$10,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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. 2016 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
Agriculture statistics fund (046-00-2248-2710).....	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 (046-00-3013-3100).....	No limit
EPA pesticide performance partnership grant – federal fund (046-00-3295-3290).....	No limit
FEMA dam safety – federal fund (046-00-3362-3350).....	No limit
FEMA – hazard mitigation map federal fund (046-00-3019-3420).....	No limit
State trade and export promotion – federal fund (046-00-3573-3576).....	No limit

FDA tissue residue – federal fund (046-00-3894-5500).....	No limit
USDA quality samples – federal fund (046-00-3711-3711).....	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
Farm to school grant (046-00-3584-3584).....	No limit
Specialty crop block grant fund (046-00-3463-3300).....	No limit
USGS water use grant (046-00-3594-3610).....	No limit
Compensatory mitigation fund (046-00-2817-2817).....	No limit
Market development fund (046-00-2331-2351).....	No limit
<i>Provided</i> , That expenditures may be made from the market development fund for official hospitality: <i>Provided further</i> , 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: <i>And provided further</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.	
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
<i>Provided</i> , That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: <i>Provided further</i> , 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: <i>And provided further</i> , That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2018 the Kansas department of agriculture may prorata 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, 2018.	
Animal disease control fund (046-00-2202-2500).....	No limit
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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: <i>And provided further</i> , 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: <i>And provided further</i> , 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 (046-00-3199-3430).....	No limit
USDA national agricultural statistics services –	
federal fund (046-00-3427-3390).....	No limit
Medicated feed and FDA BSE inspection –	
federal fund (046-00-3444-3321).....	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 (046-00-3360-3305).....	No limit
Market protection/promotion fund (046-00-3104-3310).....	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
<i>Provided</i> , 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: <i>Provided further</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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, which have available moneys, to the general fees fund: <i>And provided further</i> , 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 (046-00-3889-3705).....No limit

NRCS contribution agreement farm bill –

federal fund (046-00-3917-3800).....No limit

Livestock market reporting fund (046-00-2756-2756).....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 2018, 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 further*, 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 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, which have available moneys, to the laboratory testing services fee 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.

Arkansas river gaging fund (046-00-2751-2751).....No limit

Animal feed regulation program standards (046-00-3462-3376).....No limit

Biofuel infrastructure program (046-00-3579-3579).....No limit

Rural business development grant (046-00-3589-3589).....No limit

Agricultural marketing services grant (046-00-3590-3590).....No limit

AMS farmers market promotion program (046-00-3588-3588).....No limit

EPA pesticide disposal fund (046-00-3103-3001).....No limit

Grain commodity commission services fund (046-00-2018-1070).....No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, for the water plan project or projects specified, the following:

Water resources cost share (046-00-1800-1205).....\$1,727,387

Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2018 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures of 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 2018 for the water resources cost share account.

Nonpoint source pollution assistance (046-00-1800-1210).....\$1,502,909

Provided, That any unencumbered balance in the nonpoint source pollution

assistance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Conservation district aid (046-00-1800-1220).....\$2,000,000
Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Watershed dam construction (046-00-1800-1240).....\$511,076
Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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).....\$88,662
Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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 2018 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).....\$135,343
Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Basin management (046-00-1800-0080).....\$407,149
Provided, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Water use (046-00-1800-0075).....\$64,368
Provided, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Interstate water issues (046-00-1800-0070).....\$387,413
Provided, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Kansas conservation reserve enhancement program fund (046-00-1800-1225).....\$177,141

(d) During the fiscal year ending June 30, 2018, 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 2018 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2018 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, 2017, 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, 2018, the following:

Agriculture marketing program (046-00-1900-1110).....\$1,049,303

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. 155.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (046-00-1000-0053)\$9,203,213

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated to the operating expenditures account for fiscal year 2019: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$10,000.

(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:

- 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. 2016 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
- Agriculture statistics fund (046-00-2248-2710).....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 (046-00-3013-3100).....	No limit
EPA pesticide performance partnership grant – federal fund (046-00-3295-3290).....	No limit
FEMA dam safety – federal fund (046-00-3362-3350).....	No limit
FEMA – hazard mitigation map federal fund (046-00-3019-3420).....	No limit
State trade and export promotion – federal fund (046-00-3573-3576).....	No limit
FDA tissue residue – federal fund (046-00-3894-5500).....	No limit
USDA quality samples – federal fund (046-00-3711-3711).....	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
Farm to school grant (046-00-3584-3584).....	No limit
Specialty crop block grant fund (046-00-3463-3300).....	No limit
USGS water use grant (046-00-3594-3610).....	No limit
Compensatory mitigation fund (046-00-2817-2817).....	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
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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
Provided, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.

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 2019 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, 2019.

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 (046-00-3199-3430).....No limit
USDA national agricultural statistics services –
federal fund (046-00-3427-3390).....No limit
Medicated feed and FDA BSE inspection –
federal fund (046-00-3444-3321).....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 (046-00-3360-3305).....No limit
 Market protection/promotion fund (046-00-3104-3310).....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, which 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 (046-00-3889-3705).....No limit
 NRCS contribution agreement farm bill –
 federal fund (046-00-3917-3800).....No limit
 Livestock market reporting fund (046-00-2756-2756).....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 2019, 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 further*, 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 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, which have available moneys, to the laboratory testing services fee 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.

Arkansas river gaging fund (046-00-2751-2751).....	No limit
Animal feed regulation program standards (046-00-3462-3376).....	No limit
Biofuel infrastructure program (046-00-3579-3579).....	No limit
Rural business development grant (046-00-3589-3589).....	No limit
Agricultural marketing services grant (046-00-3590-3590).....	No limit
AMS farmers market promotion program (046-00-3588-3588).....	No limit
EPA pesticide disposal fund (046-00-3103-3001).....	No limit
Grain commodity commission services fund (046-00-2018-1070).....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the water plan project or projects specified, the following:

Water resources cost share (046-00-1800-1205).....	\$1,948,289
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Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2019 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: *And provided further*, 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 2019 for the water resources cost share account.

Nonpoint source pollution assistance (046-00-1800-1210).....	\$1,858,350
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Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Conservation district aid (046-00-1800-1220).....	\$2,092,637
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Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Watershed dam construction (046-00-1800-1240).....	\$550,000
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Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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
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Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 2019 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).....	\$152,651
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Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year

2019.

Basin management (046-00-1800-0080).....\$610,808

Provided, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

Interstate water issues (046-00-1800-0070).....\$487,000

Provided, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Kansas conservation reserve enhancement program fund (046-00-1800-1225).....\$200,000

Provided, That any unencumbered balance in the Kansas conservation reserve enhancement program fund in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(d) During the fiscal year ending June 30, 2019, 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 2019 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2019 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, 2018, 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, 2019, the following:

Agriculture marketing program (046-00-1900-1110).....\$1,050,980

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. 156.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures.....\$150,000

Provided, That the above agency shall make expenditures from the operating

expenditures account during the fiscal year 2018, 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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law 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 \$15,782.
 - 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. 157.

STATE FAIR BOARD

(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.....\$150,000
- Provided*, That the above agency shall make expenditures from the operating expenditures account during the fiscal year 2019, 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, 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 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 \$15,782.
 - 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. 158.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

- Water resources operating expenditures (709-00-1000-0303).....\$867,487
- Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *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, 2018, 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 (709-00-2631-2800).....No limit
Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2018, 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 which 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
 EPA wetland grant – federal fund (709-00-3914-3965).....No limit
 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.

Arkansas river water conservation projects
 fund (709-00-2503-2410).....No limit
 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

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, for the state water plan project or projects specified, the following:

Assessment and evaluation (709-00-1800-1110).....\$500,000
Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

GIS data base development (709-00-1800-1140).....\$50,000
Provided, That any unencumbered balance in the GIS data base development account

in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

MOU – storage operations and maintenance (709-00-1800-1150).....\$363,699
Provided, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Stream gaging (709-00-1800-1190).....\$350,000
Provided, That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

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, 2017, is hereby reappropriated for fiscal year 2018.

Streambank stabilization (709-00-1800-1265).....\$1,000,000
Provided, That any unencumbered balance in the streambank stabilization account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Kansas river alluvial aquifer observation well network.....\$100,000
Reservoir bathymetric surveys and biological research.....\$100,000

(d) During the fiscal year ending June 30, 2018, 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 2018 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2018 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, 2018, 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, 2018, 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, 2018, 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, 2018, 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, 2018, 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 2018 by this or other appropriation act of the 2017 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 2018, 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, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$418,724 from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund.

(j) On July 1, 2017, 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.

Sec. 159.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Water resources operating expenditures (709-00-1000-0303).....\$874,440

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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, 2019, 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 (709-00-2631-2800).....No limit

Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2019, 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 which 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

EPA wetland grant – federal fund (709-00-3914-3965).....No limit

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.

Arkansas river water conservation projects fund (709-00-2503-2410).....No limit

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
 (c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Assessment and evaluation (709-00-1800-1110).....\$450,000
Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

MOU – storage operations and maintenance (709-00-1800-1150).....\$350,000
Provided, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Stream gaging (709-00-1800-1190).....\$431,282
Provided, That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

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, 2018, is hereby reappropriated for fiscal year 2019.

(d) During the fiscal year ending June 30, 2019, 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 2019 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2019 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, 2019, 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, 2019, 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, 2019, 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, 2019, 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, 2019, 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 2019 by this or other appropriation act of the 2017 or 2018 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 2019, 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, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$419,474 from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund.

(j) On July 1, 2018, 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.

Sec. 160.

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, 2018, the following:

Operating expenditures (710-00-1900-1910).....\$1,676,134

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018:

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 2018, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2018 to include a provision on the calendar year 2018 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).....\$1,494,275

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Travel and tourism operating expenditures (710-00-1900-1901).....\$1,676,517

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, 2017, is hereby reappropriated for fiscal year 2018: *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 2018 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, 2017, is hereby reappropriated for fiscal year 2018: *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 2018 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).....\$39,827

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, 2017, is hereby reappropriated for fiscal year 2018: *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 2018 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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund (710-00-2300-2880).....\$30,145,839

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2018 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 2018: *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 (710-00-2122-2050).....\$8,979,521

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2018 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 2018: *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 (710-00-2245-2800).....\$1,111,434

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2018 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 2018: *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).....\$1,615,641

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
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
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 (710-00-2466-2466).....	No limit
Sport fish restoration fund (710-00-3490-3490).....	No limit
Outdoor recreation acquisition, development and planning fund (710-00-3794-3795).....	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 2018, 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 2018: <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

Sec. 161.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (710-00-1900-1910).....\$1,677,893

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *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 2019, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2019 to include a provision on the calendar year 2019 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).....\$1,496,345

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Travel and tourism operating expenditures (710-00-1900-1901).....\$1,677,584

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, 2018, is hereby reappropriated for fiscal year 2019: *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 2019 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, 2018, is hereby reappropriated for fiscal year 2019: *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 2019 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).....\$39,827

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, 2018, is hereby reappropriated for fiscal year 2019: *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 2019 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, 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:

Wildlife fee fund (710-00-2300-2880).....\$29,986,964

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2019 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 2019: *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 (710-00-2122-2050).....\$9,050,801

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2019 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 2019: *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 (710-00-2245-2800).....\$1,100,001

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2019 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 2019: *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).....\$1,617,880

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
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 (710-00-2466-2466).....	No limit
Sport fish restoration fund (710-00-3490-3490).....	No limit
Outdoor recreation acquisition, development and planning fund (710-00-3794-3795).....	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 2019, 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 2019: <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

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$6,230,240 from the state highway fund (276-00-4100-4100) of the department of transportation to the state general fund.
Sec. 163.

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, 2018, 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
Provided, 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, 2018, in satisfaction of liabilities arising from the unconditional guarantee of payment which 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, 2018, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund (276-00-4100-4100) for fiscal year 2018, 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).....\$251,889,980
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).....\$3,360,000
 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 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair (276-00-4100-8005).....\$3,638,000
 Buildings – reroofing (276-00-4100-8010).....\$743,401
 Buildings – other construction, renovation and repair
 (276-00-4100-8070).....\$3,418,982

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2018, expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2018 from the unencumbered balance as of June 30, 2017, 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 2018 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2017, 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 2018.

(d) During the fiscal year ending June 30, 2018, 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 2018 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 2018 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, 2018, 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, 2018, 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, 2018, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund (276-00-4100-4100) for fiscal year 2018.

(h) For the fiscal year ending June 30, 2018, 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, 2017, October 1, 2017, January 1, 2018, and April 1, 2018, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$72,074,415.75 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 2018 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 2018.

(j) 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 2018 for such state agency as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the

purposes of reconstruction and maintenance of existing highways: *Provided, however;* That if the above agency has insufficient funds to expend on such reconstruction and maintenance projects, then the above agency is hereby authorized and empowered to issue additional bonds pursuant to K.S.A. 68-2320, and amendments thereto, in an amount not to exceed \$400,000,000 during fiscal year 2018 and fiscal year 2019: *And provided, however;* That any additional bonds issued pursuant to this proviso shall be subject to the limitations established on maximum principal amount by K.S.A. 68-2320, and amendments thereto.

Sec. 164.

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, 2019, 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
- 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, 2019, in satisfaction of liabilities arising from the unconditional guarantee of payment which 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, 2019, from the state highway fund (276-00-4100-4100) for the following specified purposes: <i>Provided</i> , That expenditures from the state highway fund for fiscal year 2019, 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).....	\$255,687,170
<i>Provided</i> , 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; <i>Provided further</i> , 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
<i>Provided</i> , 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; <i>Provided further</i> , 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; <i>And provided further</i> , 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).....	\$3,360,000
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
<i>Provided</i> , 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 2019, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:	
Buildings – rehabilitation and repair (276-00-4100-8005).....	\$3,740,000
Buildings – reroofing (276-00-4100-8010).....	\$1,025,818

Buildings – other construction, renovation and repair (276-00-4100-8070).....	\$4,452,749
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 2019, expenditures may be made by the above agency from the state highway fund for fiscal year 2019 from the unencumbered balance as of June 30, 2018, 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 2019 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2018, 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 2019.

(d) During the fiscal year ending June 30, 2019, 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 2019 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 2019 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, 2019, 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, 2019, 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, 2019, 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 2019.

(h) For the fiscal year ending June 30, 2019, 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, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, or as soon

thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$73,281,583.75 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 2019 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 2019.

(j) 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 2019 for such state agency as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the purposes of reconstruction and maintenance of existing highways: *Provided, however*; That if the above agency has insufficient funds to expend on such reconstruction and maintenance projects, then the above agency is hereby authorized and empowered to issue additional bonds pursuant to K.S.A. 68-2320, and amendments thereto, in an amount not to exceed \$400,000,000 during fiscal year 2018 and fiscal year 2019: *And provided, however*; That any additional bonds issued pursuant to this proviso shall be subject to the limitations established on maximum principal amount by K.S.A. 68-2320, and amendments thereto.

Sec. 165. (a) During the fiscal year ending June 30, 2018, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature to issue additional state obligations payable from the state general fund if the resulting annual debt service for all state obligations payable from the state general fund exceeds the limitation imposed by this section. The maximum annual debt service in fiscal year 2018 on state obligations payable from the state general fund may not exceed an amount equal to 4% of the average of state general fund revenues, excluding revenues constitutionally dedicated for purposes other than payment of state obligations, for the immediately preceding three fiscal years. Such amount shall be determined by the director of the budget in consultation with the director of legislative research.

(b) For the purposes of this section, "state obligations payable from the state general fund" means obligations, including, but not limited to, bonds and lease-purchase agreements in a principal amount greater than \$250,000, which are authorized or reasonably expected to be repaid by appropriations from the state general fund. "State obligations payable from the state general fund" shall not include obligations with respect to which the state director of the budget certifies are reasonably expected to be paid from sources other than the state general fund.

Sec. 166. (a) During the fiscal year ending June 30, 2019, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature to issue additional state obligations

payable from the state general fund if the resulting annual debt service for all state obligations payable from the state general fund exceeds the limitation imposed by this section. The maximum annual debt service in fiscal year 2019 on state obligations payable from the state general fund may not exceed an amount equal to 4% of the average of state general fund revenues, excluding revenues constitutionally dedicated for purposes other than payment of state obligations, for the immediately preceding three fiscal years. Such amount shall be determined by the director of the budget in consultation with the director of legislative research.

(b) For the purposes of this section, "state obligations payable from the state general fund" means obligations, including, but not limited to, bonds and lease-purchase agreements in a principal amount greater than \$250,000, which are authorized or reasonably expected to be repaid by appropriations from the state general fund. "State obligations payable from the state general fund" shall not include obligations with respect to which the state director of the budget certifies are reasonably expected to be paid from sources other than the state general fund.

Sec. 167. (a) During the fiscal year ending June 30, 2018, the director of the budget may transfer any part of any item of appropriation for an information technology project in any cabinet agency account of the state general fund appropriated for fiscal year 2018 for such cabinet agency to another item of appropriation for an information technology project in any other cabinet agency account of the state general fund appropriated for fiscal year 2018 for such other cabinet agency. The director of the budget shall certify each such amount transferred, and shall transmit a copy of such certification to the director of legislative research.

(b) During the fiscal year ending June 30, 2019, the director of the budget may transfer any part of any item of appropriation for an information technology project in any cabinet agency account of the state general fund appropriated for fiscal year 2019 for such cabinet agency to another item of appropriation for an information technology project in any other cabinet agency account of the state general fund appropriated for fiscal year 2019 for such other cabinet agency. The director of the budget shall certify each such amount transferred, and shall transmit a copy of such certification to the director of legislative research.

(c) As used in this section: (1) "cabinet agency" means (A) the department of administration, (B) the department of revenue, (C) the department of commerce, (D) the department of labor, (E) the department of health and environment, (F) the Kansas department for aging and disability services, (G) the Kansas department for children and families, (H) the department of corrections, (I) the adjutant general, (J) the Kansas highway patrol, (K) the Kansas department of agriculture, (L) the Kansas department of wildlife, parks and tourism, and (M) the department of transportation; and

(2) "information technology projects" shall include information technology related expenditures including: (A) Services, labor (full-time, part-time or contract), contract payments, purchases related to planning, designing, developing, testing, implementing, training, operating, supporting, securing and maintaining any of the data, applications and/or technologies listed in this subsection; (B) all data under the custodianship of the executive branch; (C) all computer applications under the custodianship of the executive branch; and (D) all technology, digital information involving any form of computer storage, including, but not limited to, mainframes, servers, networks and network-related items, including switches, routers, cables, fiber, telecommunications

and personal computer's, laptops, tablet computers, mobile phones, digital storage in any form or format, printers, fax machines and cloud computing.

Sec. 168. (a) 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, 2018, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2018 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 which coincides with the first biweekly payroll period which is chargeable to fiscal year 2018 and for each of the 14 ensuing two-week periods thereafter; and (B) equal to \$354.15 for the two-week period which coincides with the biweekly payroll period which includes March 25, 2018, which is chargeable to fiscal year 2018 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 2018, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (a) 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 subsection (a) and which are chargeable to fiscal year 2018.

Sec. 169. (a) 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, 2019, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2019 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 which coincides with the first biweekly payroll period which is chargeable to fiscal year 2019 and for each of the 14 ensuing two-week periods thereafter; and (B) equal to \$354.15 for the two-week period which coincides with the biweekly payroll period which includes March 24, 2019, which is chargeable to fiscal year 2019 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 2019, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (a) 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 subsection (a) and which are chargeable to fiscal year 2019.

Sec. 170. (a) On June 30, 2018, notwithstanding the provisions of K.S.A. 2016 Supp. 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, 2018, 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, 2018, 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, 2018, 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, 2018. 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. 171. (a) On June 30, 2019, notwithstanding the provisions of K.S.A. 2016 Supp. 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, 2019, 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, 2019, 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, 2019, 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, 2019. 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. 172. (a) On July 1, 2017, during the fiscal year ending June 30, 2018, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal years 2015, 2016 and 2017 pursuant to section 178 of

chapter 104 of the 2015 Session Laws of Kansas, received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, during fiscal year 2018 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*; That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2016 Supp. 82a-1804(g), and amendments thereto: *Provided, however*; That, if moneys have been received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, and the state treasurer has credited the money pursuant to K.S.A. 82a-1802, and amendments thereto, the director of accounts and reports shall transfer the amount of money which exceeds \$2,000,000 from the interstate water litigation fund of the attorney general to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *And provided further*; That the director of accounts and reports shall transmit a copy of such transfer to the director of legislative research and the director of the budget.

(b) On July 1, 2018, during the fiscal year ending June 30, 2019, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal years 2015, 2016 and 2017 pursuant to section 178 of chapter 104 of the 2015 Session Laws of Kansas, and 2018 pursuant to subsection (a), received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, during fiscal year 2017 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*; That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2016 Supp. 82a-1804(g), and amendments thereto: *Provided, however*; That, if moneys have been received from the state of Nebraska under the case of Kansas v. Nebraska, No. 126, Original in the Supreme Court of the United States, and the state treasurer has credited the money pursuant to K.S.A. 82a-1802, and amendments thereto, the director of accounts and reports shall transfer the amount of money which exceeds \$2,000,000 from the interstate water litigation fund of the attorney general to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *And provided further*; That the director of accounts and reports shall

transmit a copy of such transfer to the director of legislative research and the director of the budget.

Sec. 173. During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2018 by Kansas state university, Emporia state university, Pittsburg state university, Fort Hays state university and Wichita state university by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by such universities from the state general fund or any special revenue fund or funds to appear before the legislative budget committee during the 2017 interim and report on the measures such universities have undertaken, or plan to undertake, to maximize efficiencies, including, but not limited to, reviewing and evaluating procurement practices, maximizing technology, shared services, maintenance of facilities and any other potential efficiencies as established by such universities.

Sec. 174. (a) During fiscal year 2018 and fiscal year 2019, notwithstanding any other provision of law, no state agency shall expend any moneys appropriated for fiscal year 2018 or fiscal year 2019 from the state general fund or from any special revenue fund or funds by this or any other appropriation act of the 2017, 2018 or 2019 regular session of the legislature to integrate, consolidate or otherwise alter the structure of any of the following home and community based waiver services under the Kansas program of medical assistance, or to submit to the federal centers for medicare and medicaid services any proposal to integrate, consolidate or otherwise alter the structure of such services or to combine, reassign or otherwise alter currently designated responsibilities to provide intake, assessment or referral services for such services, if such integration, consolidation, alterations, combination or reassignment is designed or intended to be implemented prior to fiscal year 2020: Medical services; behavioral health services; transportation; nursing facilities; other long-term care; autism; frail elderly; technology assistance; physical disability; traumatic brain injury; intellectual/developmental disability; or serious emotional disturbance: *Provided*, That the department of health and environment and the Kansas department for aging and disability services shall prepare and submit reports to the house standing committee on appropriations, the senate standing committee on ways and means and the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight describing the status of any plan to integrate, consolidate or alter such waiver services or combine, reassign or otherwise alter currently designated responsibilities to provide intake, assessment or referral services for such services, including any proposed waiver applications or amendments, any service definitions and the proposed rate structure for each such service: *Provided further*, That the department of health and environment and the Kansas department for aging and disability services shall submit such reports on or before January 1, 2018, and March 1, 2018.

Sec. 175. (a) On or after July 1, 2017, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amount to the group insurance reserve fund attributable to the first six pay periods of the fiscal year ending June 30, 2018, that constitute such state agency's portion of the state's contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

Sec. 176. On the effective date of this act, notwithstanding the provisions of any

statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 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 2018 or fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 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. 177.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

State employee pay increase fund.....\$12,200,000

Provided, That all moneys in the state employee pay increase fund 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 2018.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2018, the following:

State employee pay increase.....\$100,000

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2018.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, the following:

State employee pay increase.....\$5,000

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increase, including associated employer contributions, during fiscal year 2018.

(d) 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 as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2018. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts 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, 2018.

(e) (1) Notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto, or any other statute, the provisions of this section shall not apply

to the compensation or bi-weekly allowance paid to each member of the legislature.

(2) The provisions of this section shall not apply to:

- (A) Trooper or officer classifications of the Kansas highway patrol.
- (B) Teachers and licensed personnel and employees at the Kansas state school for the deaf or the Kansas state school for the blind.

(C) Employees of the Kansas bureau of investigation who were included in the recruitment and retention plan of the Kansas bureau of investigation.

(D) State officers elected on a statewide basis.

(f) A state employee shall be eligible for a salary increase under this section based on only one of the following:

(1) 5% salary increase, including associated employer contributions, for all state employees in the classified and unclassified service who have not received an increase in salary after July 1, 2012, and who have been continuously employed by the state since July 1, 2012, except as provided in paragraph (3) or (4);

(2) 2.5% salary increase, including associated employer contributions, for all state employees in the classified and unclassified service who first became employed by the state after July 1, 2012;

(3) 2.5% salary increase, including associated employer contributions, for all non-judicial employees of the judicial branch; or

(4) 2.5% salary increase, including associated employer contributions, for all justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges.

(g) The director of the budget shall prepare a budget estimate based upon the most recent payroll information for the salary increases and other amounts specified, and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

Sec. 178.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase fund.....\$12,200,000

Provided, That all moneys in the state employee pay increase fund shall be used for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(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:

State employee pay increase.....\$100,000

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase.....\$5,000

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund

of the salary increase, including associated employer contributions, during fiscal year 2019.

(d) 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 as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2019. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified for the fiscal year ending June 30, 2019.

(e) The director of the budget shall prepare a budget estimate based upon the most recent payroll information for the salary increases and other amounts specified, and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

Sec. 179.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities (173-00-1000-8500).....\$147,588
Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Judicial center rehabilitation and repair (173-00-1000-8540).....\$73,861
Provided, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

National bio and agro-defense facility – debt
 service (173-00-1000-0460).....\$23,483,888

Kansas department of transportation – CTP – debt
 service (173-00-1000-0790).....\$10,434,600

Capitol complex repair and rehabilitation (173-00-1000-8170).....\$1,975,753

Restructuring debt service (173-00-1000-0450).....\$3,545,532

John Redmond reservoir debt service (173-00-1000-0461).....\$1,670,750

University of Kansas medical education building debt
 service (173-00-1000-0462).....\$1,864,750

Debt service refunding – 2015A (173-00-1000-0463).....\$13,875,300

Debt service refunding – 2016H.....\$2,266,675

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund (173-00-7253-7250).....No limit

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
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Provided, That on September 1, 2017, and February 1, 2018, 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 \$9,136,482 from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration.

Restructuring debt service – state highway fund.....	No limit
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(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 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund (173-00-2028-2000) for fiscal year 2018 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
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(d) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund (173-00-6149) for fiscal year 2018 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
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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 state buildings depreciation fund for fiscal year 2018.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund (173-00-6148) for fiscal year 2018 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 2018, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2018 from the unencumbered balance as of June 30, 2017, 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, 2017: *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 2018 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2018.

(g) On July 1, 2017, the debt service refunding account (173-00-1000-0463) of the state general fund of the department of administration is hereby redesignated as the debt service refunding – 2015A account (173-00-1000-0463) of the state general fund of the department of administration.

Sec. 180.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities (173-00-1000-8500).....\$147,588
Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Judicial center rehabilitation and repair (173-00-1000-8540).....\$73,861
Provided, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

National bio and agro-defense facility – debt service
 (173-00-1000-0460).....\$23,457,044
 Capitol complex repair and rehabilitation (173-00-1000-8170).....\$1,975,753
 Restructuring debt service (173-00-1000-0450).....\$3,540,378
 John Redmond reservoir debt service (173-00-1000-0461).....\$1,671,500
 University of Kansas medical education building debt
 service (173-00-1000-0462).....\$1,866,000
 Debt service refunding – 2015A (173-00-1000-0463).....\$18,784,050
 Debt service refunding – 2016H.....\$2,928,225

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund (173-00-7253-7250).....No limit
 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, 2018, and February 1, 2019, 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 \$9,127,055.50 from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration.

Restructuring debt service – state highway fund (173-00-1000-0450).....No limit

(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 2019, 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 2019 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 2019, 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 2019 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 2019.

(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 2019, 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 2019 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 2019, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2019 from the unencumbered balance as of June 30, 2018, 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, 2018: *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 2019 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2019.

Sec. 181.

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 2018, 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 2018, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – 1430 Topeka facilities (300-00-2275-2297).....\$137,150
 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 2018, 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 2018, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-3275-3272).....No limit

Sec. 182.

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 2019, 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 2019, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – 1430 Topeka facilities (300-00-2275-2297).....\$136,525
 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 2019, 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 2019, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-3275-3272).....No limit

Sec. 183.

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, 2018, 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

Sec. 184.

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, 2019, 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

Sec. 185.

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, 2018, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240).....\$3,000,000

Provided, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2018 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 2018 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).....\$3,849,532

Debt service – state hospitals rehabilitation and repair (039-00-8100-8325).....\$2,583,200

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).....\$171,260

Kansas neurological institute – energy conservation improvement debt service (363-00-8100-8000).....\$185,248

Sec. 186.

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, 2019, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240).....\$3,000,000

Provided, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2019 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 2019 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).....\$3,845,751

Debt service – state hospitals rehabilitation and repair (039-00-8100-8325).....\$2,602,200

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).....\$178,424

Sec. 187.

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, 2018, 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 2018 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 for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2018 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 (296-00-3336-3110) 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 2018 by this or other appropriation act of the 2017 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 2018, expenditures may be made by the above agency from the special employment security fund for fiscal year 2018 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 2018 for such capital improvement purposes shall not exceed \$181,860: *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 2018.

(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 2018, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2018 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 2018 for such capital improvement purposes shall not exceed \$97,925; 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 2018 for such capital improvement purposes shall not exceed \$780,000.

Sec. 188.

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, 2019, 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 2019 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 for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2019 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 2019 by this or other appropriation act of the 2017 or 2018 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 2019, expenditures may be made by the above agency from the special employment security fund for fiscal year 2019 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 2019 for such capital improvement purposes shall not exceed \$178,822: *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 2019.

(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 2019, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2019 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 2019 for such capital improvement purposes shall not exceed \$96,289; 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 2019 for such capital improvement purposes shall not exceed \$265,000.

Sec. 189.

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, 2017, for the capital improvements project or projects specified, the following:

Veterans' home rehabilitation and repair projects (694-00-8100-8250).....\$250,000
Sec. 190.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and repair projects (694-00-1000-0904).....\$100,000

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects (694-00-8100-7100).....\$637,900
Veterans' home rehabilitation and repair projects (694-00-8100-8250).....\$812,050
KSH demolition of campus structures project (694-00-8100-8252).....\$109,000
Sec. 191.

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, 2019, 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, 2019, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects (694-00-8100-7100).....\$637,900
Veterans' home rehabilitation and repair projects (694-00-8100-8250).....\$812,050
KSH demolition of campus structures project (694-00-8100-8252).....\$109,000
Sec. 192.

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, 2018, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (604-00-8100-8108).....	\$250,000
Security system upgrade project (604-00-8100-8130).....	\$361,533
Facilities conservation improvement debt service (604-00-8100-8125).....	\$42,408
Campus boilers and HVAC upgrades (604-00-8100-8145).....	\$25,000

Sec. 193.

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, 2019, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (604-00-8100-8108).....	\$265,000
Security system upgrade project (604-00-8100-8130).....	\$105,000
Campus boilers and HVAC upgrades (604-00-8100-8145).....	\$170,000

Sec. 194.

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, 2018, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (610-00-8100-8108).....	\$295,000
Facilities conservation improvement debt service (610-00-8100-8120).....	\$85,061
Campus boilers and HVAC upgrades (610-00-8100-8145).....	\$180,000
Campus life safety and security (610-00-8100-8130).....	\$520,998

Sec. 195.

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, 2019, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (610-00-8100-8108).....	\$295,000
Facilities conservation improvement debt service (610-00-8100-8120).....	\$88,619
Campus boilers and HVAC upgrades (610-00-8100-8145).....	\$90,000
Campus life safety and security (610-00-8100-8130).....	\$390,000

Sec. 196.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Rehabilitation and repair projects (288-00-1000-8088).....	\$250,000
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Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That during the fiscal year ending June 30, 2018, expenditures from the rehabilitation and repair projects account may be made for the purpose of replacing the state archives roof at the state historical society.

(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 2018, 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 2018 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 2018.

(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 2018, 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 2018 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 2018.

(d) 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, and historical preservation grant in aid fund for fiscal year 2018, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2018 from the unencumbered balance as of June 30, 2017, 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, 2017: *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 2018 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2018.

Sec. 197.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Rehabilitation and repair projects (288-00-1000-8088).....\$250,000
Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(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 2019, 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 2019 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 2019.

(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 2019, 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 2019 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 2019.

(d) 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, and historical preservation grant in aid fund for fiscal year 2019, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2019 from the unencumbered balance as of June 30, 2018, 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, 2018: *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 2019 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2019.

Sec. 198.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union refurbishing fund (379-00-5161-5040).....No limit

Twin towers bond and interest sinking fund (379-00-5409-5070).....No limit

Twin towers maintenance and equipment reserve fund (379-00-5610-5110).....No limit

Deferred maintenance support fund (379-00-2485-2485).....No limit

Housing system repairs, equipment and improvement fund (379-00-5650-5120).....No limit

(b) During the fiscal year ending June 30, 2018, 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 (379-00-8001-8318) 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 2017 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, 2016.

(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, 2018, 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 2018 for a capital improvement project to plan, construct and remodel Abigail Morse residence hall and the residential life resident project.

(d) In addition to the other purposes for which expenditures may be made by Emporia state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by Emporia state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or fiscal year 2019, 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 demolish, reconstruct, redevelop, renovate, make additions to and equip the Abigail Morse residence hall and to construct, equip and furnish a new residential life residence facility all on the campus of Emporia state university: *Provided*, That such capital improvement project is hereby approved for Emporia 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 Emporia 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 \$30,500,000 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 Emporia state university shall make provisions for the maintenance of Abigail Morse residence hall and the residential life residence project.

Sec. 199.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Student union refurbishing fund (379-00-5161-5040).....No limit
- Twin towers bond and interest sinking fund (379-00-5409-5070).....No limit
- Twin towers maintenance and equipment reserve

fund (379-00-5610-5110).....	No limit
Deferred maintenance support fund (379-00-2485-2485).....	No limit
Housing system repairs, equipment and improvement fund (379-00-5650-5120).....	No limit

(b) During the fiscal year ending June 30, 2019, 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 2017 or 2018 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, 2017.

(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, 2019, 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 2019 for a capital improvement project to plan, construct and remodel Abigail Morse residence hall and the residential life resident project.

Sec. 200.

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, 2018, 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 – bond and interest sinking fund (246-00-5012).....	No limit
Lewis field renovation – revenue fund (246-00-5150-5180).....	No limit
Memorial union renovation debt service fund (246-00-5601).....	No limit
Deferred maintenance support fund (246-00-2483-2483).....	No limit

(b) During the fiscal year ending June 30, 2018, 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 2017 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, 2016.

Sec. 201.

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, 2019, 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 – bond and interest sinking fund (246-00-5012).....No limit
- Lewis field renovation – revenue fund (246-00-5150-5180).....No limit
- Memorial union renovation debt service fund (246-00-5601).....No limit
- Deferred maintenance support fund (246-00-2483-2483).....No limit

(b) During the fiscal year ending June 30, 2019, 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 2017 or 2018 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, 2017.

Sec. 202.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Deferred maintenance support fund (367-00-2484-2484).....No limit
- Coliseum repair equipment improvement fund (367-00-5642-4750).....No limit

(b) During the fiscal year ending June 30, 2018, 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 2017 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, 2016.

(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 2018 or fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 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 2018 or fiscal year 2019, 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 convert and upgrade electrical distribution systems 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 \$8,000,000 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 Kansas state university shall make provisions for the maintenance of electrical distribution systems project.

(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, 2018, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2018 for a capital improvement project to convert and upgrade electrical distribution systems.

(e) 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 2018 or fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 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 2018 or fiscal year 2019, 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 student housing in Salina: *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 \$6,000,000 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 Kansas state university shall make provisions for the maintenance of student housing in Salina project.

(f) 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, 2018, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures may be made by the above

agency from any special revenue fund or funds during fiscal year 2018 for a capital improvement project to construct student housing in Salina.

Sec. 203.

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, 2019, 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
- Coliseum repair equipment improvement fund (367-00-5642-4750).....No limit

(b) During the fiscal year ending June 30, 2019, 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 2017 or 2018 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, 2017.

(c) 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, 2019, as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2019 for a capital improvement project to convert and upgrade electrical distribution systems.

(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, 2019, as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2019 for a capital improvement project to construct student housing in Salina.

Sec. 204.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Horace Mann renovation revenue fund (385-00-2833-2830).....No limit
- Overman renovation revenue fund (385-00-2820-2820).....No limit
- Deferred maintenance support fund (385-00-2486-2486).....No limit
- Student health center – private gifts fund (385-00-7290-7290).....No limit
- Student health center K DFA rev acct (385-00-2828-2851).....No limit
- 2014 – A PSU projects (385-00-5106).....No limit

(b) During the fiscal year ending June 30, 2018, 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 2017 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, 2016.

Sec. 205.

PITTSBURG 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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Horace Mann renovation revenue fund (385-00-2833-2830).....	No limit
Overman renovation revenue fund (385-00-2820-2820).....	No limit
Deferred maintenance support fund (385-00-2486-2486).....	No limit
Student health center – private gifts fund (385-00-7290-7290).....	No limit
Student health center K DFA rev acct (385-00-2828-2851).....	No limit
2014 – A PSU projects (385-00-5106).....	No limit

(b) During the fiscal year ending June 30, 2019, 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 2017 or 2018 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, 2017.

Sec. 206.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified as follows:

School of pharmacy debt service (682-00-1000-0320).....	\$992,700
School of pharmacy debt service 2009 (682-00-1000-0400).....	\$2,492,395

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union renovation revenue fund (682-00-5171-5060).....	No limit
Student health facility maintenance, repair, and equipment fee fund (682-00-5640-5120).....	No limit
Regents center revenue fund – K DFA D bonds, 1990 (682-00-8350-8410).....	No limit
Parking facilities surplus fund – K DFA G bonds, 1993 (682-00-5802-5170).....	No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2018

from the parking facilities surplus fund – KDFA G bonds, 1993 to the restricted fees fund.

- Deferred maintenance support fund (682-00-2487-2487).....No limit
- Child care facility revenue bond fund (682-00-2372).....No limit
- Student recreation & fitness center revenue fund (682-00-2864-2860).....No limit
- Child care facility addition fund (682-00-2377-2370).....No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2018 from the restricted fees fund or the general fees fund to the child care facility addition fund for the capital improvement project to construct an addition to the child care facility: *Provided further*; That upon completion of the construction project, the university of Kansas may transfer unused moneys from the child care facility addition fund to the general fees fund or the restricted fees fund.

(c) During the fiscal year ending June 30, 2018, 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 2017 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, 2016.

(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, 2018, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2018 for a capital improvement project to construct an earth, energy, and environment center and Corbin hall.

Sec. 207.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified as follows:

- School of pharmacy debt service (682-00-1000-0320).....\$994,500
- School of pharmacy debt service 2009 (682-00-1000-0400).....\$2,493,414

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Student union renovation revenue fund (682-00-5171-5060).....No limit
- Student health facility maintenance, repair, and equipment fee fund (682-00-5640-5120).....No limit
- Regents center revenue fund – KDFA D bonds, 1990 (682-00-8350-8410).....No limit
- Parking facilities surplus fund – KDFA G bonds, 1993 (682-00-5802-5170).....No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2019 from the parking facilities surplus fund – K DFA G bonds, 1993 to the restricted fees fund.

- Deferred maintenance support fund (682-00-2487-2487).....No limit
- Child care facility revenue bond fund (682-00-2372).....No limit
- Student recreation & fitness center revenue fund (682-00-2864-2860).....No limit
- Child care facility addition fund (682-00-2377-2370).....No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2019 from the restricted fees fund or the general fees fund to the child care facility addition fund for the capital improvement project to construct an addition to the child care facility: *Provided further*, That upon completion of the construction project, the university of Kansas may transfer unused moneys from the child care facility addition fund to the general fees fund or the restricted fees fund.

(c) During the fiscal year ending June 30, 2019, 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 2017 or 2018 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, 2017.

(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, 2019, as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2019 for a capital improvement project to construct an earth, energy, and environment center and Corbin hall.

Sec. 208.

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, 2018, 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
- Construct parking facility #5 fund (683-00-8410-8434).....No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2018 from appropriate accounts of the parking fees fund to the construct parking facility #5 fund for such capital improvement project.

- Health education building fund (683-00-8236-8237).....No limit

(b) During the fiscal year ending June 30, 2018, 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 2017 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, 2016.

Sec. 209.

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, 2019, 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
- Construct parking facility #5 fund (683-00-8410-8434).....No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2019 from appropriate accounts of the parking fees fund to the construct parking facility #5 fund for such capital improvement project.

- Health education building fund (683-00-8236-8237).....No limit

(b) During the fiscal year ending June 30, 2019, 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 2017 or 2018 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, 2017.

Sec. 210.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Parking system project – maintenance fund, K DFA revenue bonds (715-00-5159-5040).....No limit

- Parking system project revenue fund – K DFA bonds (715-00-5148-5000).....No limit

- WSU housing system surplus fund (715-00-5620-5270).....No limit
- Deferred maintenance support fund (715-00-2489-2489).....No limit

- Science research development facility K DFA revenue fund (715-00-2927).....No limit

(b) During the fiscal year ending June 30, 2018, 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 2017

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, 2016.

(c) 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, 2018, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2018 for a capital improvement project to construct a parking garage.

Sec. 211.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Parking system project – maintenance fund, K DFA revenue bonds (715-00-5159-5040).....No limit
- Parking system project revenue fund – K DFA bonds (715-00-5148-5000).....No limit
- WSU housing system surplus fund (715-00-5620-5270).....No limit
- Deferred maintenance support fund (715-00-2489-2489).....No limit
- Science research development facility K DFA revenue fund (715-00-2927).....No limit

(b) During the fiscal year ending June 30, 2019, 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 2017 or 2018 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, 2017.

(c) 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, 2019, as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2019 for a capital improvement project to construct a parking garage.

Sec. 212.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 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 2018.

Sec. 213.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas 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 2019.

Sec. 214.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond
issue (521-00-1000-0310).....\$516,812

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2018, 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 2018 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 2018 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

Debt service payment for the prison capacity expansion projects bond issue (521-00-8600-8160).....\$127,400

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities (521-00-8100-8000).....\$500,113

Provided, That the secretary of the department of corrections is hereby authorized to transfer moneys during fiscal year 2018 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 2018 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).....\$3,997,000

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility infrastructure project (521-00-2834).....No limit

(e) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 or fiscal year 2018 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 or 111 of the 2016 Session Laws of Kansas, this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 or fiscal year 2018 for the purpose of paying the expenses incurred by the department of corrections in the preparation and execution of the lease-purchase agreement authorized by this subsection: *Provided*, That notwithstanding the provisions of section 142 of this act, sections 102 and 103 of chapter 12 of the 2016 Session Laws of Kansas, K.S.A. 75-3765b, and amendments thereto, or any other statute, the department of corrections is authorized to enter into a lease-purchase agreement with a third-party entity pursuant to which such third-party

entity will design, construct and equip for the department of corrections a correctional institution in Lansing, Kansas, on real property currently owned by the state of Kansas: *Provided further*; That such lease-purchase agreement shall also authorize the third-party entity to demolish the existing correctional institution in Lansing, Kansas: *And provided further*; That the Kansas development finance authority shall provide assistance to the department of corrections in the facilitation of such lease-purchase agreement: *And provided further*; That such lease-purchase agreement shall be exempt from any architectural service fees under K.S.A. 75-1269, and amendments thereto: *Provided, however*; That such lease-purchase agreement shall allow only the department of corrections to operate such correctional institution: *And provided, however*; That prior to entering into a lease-purchase agreement, the secretary of corrections shall advise and consult with the legislative budget committee: *And provided further*; That such lease-purchase agreement shall require that the third-party entity release any lien claimed under the provisions of K.S.A. 60-1101 or 60-1103, and amendments thereto, or any other encumbrance to such property, and all improvements thereon, upon the final lease payment under such agreement: *And provided further*; That the attorney general shall approve the form of the release of any lien or other encumbrance executed by such third-party entity: *Provided, however*; That if it is determined by the secretary of corrections to be more cost effective to issue bonds to demolish, design, construct and equip a correctional institution in Lansing, Kansas, expenditures may be made by department of corrections from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 or fiscal year 2018, 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 demolish, design, construct and equip a correctional institution in Lansing, Kansas: *Provided*, That such capital improvement project is hereby approved for the department of corrections 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 department of corrections 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 \$155,000,000 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, insurance and any required reserves for the payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund, the correctional institutions building fund, or any appropriate special revenue fund or funds: *And provided further*; That the department of corrections shall make provisions for the maintenance of a correctional institution in Lansing, Kansas: *Provided, however*; That on the effective date of this act, the department of corrections shall cease development of the lease-purchase agreement and shall request that the state building advisory commission review the progress of the department to date on the agreement: *And provided further*; That if the state building advisory commission approves of the

proposed agreement, the department may continue with the use of an alternative project delivery procurement process and shall not be subject to the provisions of K.S.A. 2016 Supp. 75-37,143, and amendments thereto: *Provided, however,* That if the state building advisory commission does not approve of the proposed agreement, the department is hereby required to follow the provisions of K.S.A. 2016 Supp. 75-37,143, and amendments thereto: *Provided, however,* That no such lease-purchase agreement shall be entered into nor bonds issued until the department of corrections has first advised and consulted on any such project with the joint committee on state building construction: *And provided however,* That the lease-purchase agreement or the issuance of bonds 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.

Sec. 215.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects
bond issue (521-00-1000-0310).....\$515,556

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2019, 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 2019 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 2019 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

Debt service payment for the prison capacity expansion projects
bond issue (521-00-8600-8160).....\$127,500

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, 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 2019 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 2019 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).....\$3,994,250

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility infrastructure project (521-00-2834).....No limit
Sec. 216.

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, 2018, 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, 2017, is hereby reappropriated for fiscal year 2018.

KBI lab – debt service (083-00-1000-0820).....\$4,323,925
Sec. 217.

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, 2019, 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, 2018, is hereby reappropriated for fiscal year 2019.

KBI lab – debt service (083-00-1000-0820).....\$4,322,675
Sec. 218.

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 2018, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2018 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 2018.

(b) In addition to the other purposes for which expenditures may be made from the

vehicle identification number fee fund for fiscal year 2018, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2018 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 2018.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2018, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Topeka fleet service (280-00-2034-1105).....\$369,450
Scale replacement and rehabilitation and repair of buildings (280-00-2034-1115).....\$260,000

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 2018.

(d) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$369,450 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1105). In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2018 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 2018 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 2018, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2018 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 2018.

(f) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$260,000 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 2018 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 2018 for support and maintenance of the Kansas highway patrol.

(g) 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 2018, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2018 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 2018.
Sec. 219.

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 2019, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2019 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 2019.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2019, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2019 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 2019.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2019, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Scale replacement and rehabilitation and repair of
buildings (280-00-2034-1115).....\$264,000
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2019.

(d) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$264,000 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1115). In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2019 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2019 for support and

maintenance of the Kansas highway patrol.

(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 2019, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2019 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 2019.

(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 2019, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2019 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 2019.

Sec. 220.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Debt service – training center (034-00-1000-8020).....\$474,956
Debt service – rehabilitation and repair of the statewide armories (034-00-1000-8010).....\$589,721
Rehabilitation and repair projects (034-00-1000-8000).....\$161,793

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Sec. 221.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified, the following:

Debt service – training center (034-00-1000-8020).....\$475,659
Debt service – rehabilitation and repair of the statewide armories (034-00-1000-8010).....\$595,518
Rehabilitation and repair projects (034-00-1000-8000).....\$161,955

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Sec. 222.

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, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 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, 2018, 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, 2018, for the capital improvement project or projects specified, the following:

- State fair debt service (373-00-1000-0700).....\$850,150
- Sec. 223.

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, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- State 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, 2019, 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, 2019, for the capital improvement project or projects specified, the following:

- State fair debt service (373-00-1000-0700).....\$855,750
- Sec. 224.

KANSAS DEPARTMENT OF
WILDLIFE, PARKS AND TOURISM

(a) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2017, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2017 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Woodson county dam repair.....\$360,000

Sec. 225.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund (710-00-2178-2760).....No limit

Provided, That, in addition to 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

(b) On July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,305,509 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.

(c) On July 1, 2017, 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.

(d) 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 2018, 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 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements.....\$34,250

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 2018.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and repair projects (710-00-2122-2066).....\$1,200,000

Debt service – Kansas City district office (710-00-2122-2053).....\$27,600

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 2018.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2018 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).....	\$12,190
River access (710-00-2245-2830).....	\$25,000
Coast guard boating projects (710-00-2245-2840).....	\$50,000

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 2018.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2018 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).....	\$400,000
Federally mandated boating access (710-00-2300-4360).....	\$137,500
Debt service – Kansas City office (710-00-2300-2890).....	\$64,607
Rehabilitation and repair (710-00-2300-3262).....	\$1,291,750
Woodson County dam repair.....	\$2,200,000
Clark fishing lake dam repair.....	\$600,000

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 2018.

(h) In addition to other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation (710-00-2668-2660).....	\$300,000
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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 2018.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2018, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development (710-00-3418-3420).....	\$450,000
Rehabilitation and repair (710-00-3418-3422).....	\$1,103,250

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 2018.

(j) 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 2018, 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 2018 for the following capital improvement project or projects, subject to the

expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3490-3491).....	\$996,000
Federally mandated boating access (710-00-3490-3492).....	\$1,016,250

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 2018.

(k) 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 2018, 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 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition (710-00-2600-3330).....	\$200,000
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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 migratory waterfowl propagation and protection fund for fiscal year 2018.

(l) 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 2018, 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 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation development (710-00-3794-3794).....	\$375,000
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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 2018.

(m) 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 2018, 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 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program (710-00-3238-3238).....	\$400,000
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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 recreational trails program fund for fiscal year 2018.

(n) 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 2018, 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 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements.....	\$645,000
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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 federally licensed wildlife areas fund for fiscal year 2018.

(o) 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 2018, 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 2018 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-3251-3251).....\$100,000

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 2018.

(p) 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 2018, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2018 from the unencumbered balance as of June 30, 2017, 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, 2017: *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 2018 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2018.

Sec. 226.

KANSAS DEPARTMENT OF
WILDLIFE, PARKS AND TOURISM

(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 shall not exceed the following:

Department access road fund (710-00-2178-2760).....No limit

Provided, That, in addition to 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

(b) On July 1, 2018, or as soon thereafter as moneys are available, the director of

accounts and reports shall transfer \$3,295,053 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.

(c) On July 1, 2018, 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.

(d) 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 2019, 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 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvement.....\$30,000

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 2019.

(e) 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, 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).....\$1,200,000

Debt service – Kansas City district office (710-00-2122-2053).....\$29,100

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 2019.

(f) 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, 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:

Debt service – Kansas City district office (710-00-2245-2805).....\$12,690

River access (710-00-2245-2830).....\$25,000

Coast guard boating projects (710-00-2245-2840).....\$50,000

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 2019.

(g) 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, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2019 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).....\$400,000

Federally mandated boating access (710-00-2300-4360).....\$408,750

Debt service – Kansas City office (710-00-2300-2890).....\$72,607

Rehabilitation and repair (710-00-2300-3262).....\$632,500
 State fishing lake projects (710-00-2300-4320).....\$125,000
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 2019.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2019, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation (710-00-2668-2660).....\$300,000

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 2019.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2019, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development (710-00-3418-3420).....\$450,000

Rehabilitation and repair (710-00-3418-3422).....\$1,065,000

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 2019.

(j) 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 2019, 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 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3490-3491).....\$990,000

Federally mandated boating access (710-00-3490-3492).....\$1,226,250

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 2019.

(k) 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 2019, 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 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition (710-00-2600-3330).....\$200,000

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 2019.

(l) 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 2019, 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 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation development (710-00-3794-3794).....\$375,000

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 2019.

(m) 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 2019, 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 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program (710-00-3238-3238).....\$400,000

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 2019.

(n) 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 2019, 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 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements.....\$594,500

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 2019.

(o) 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 2019, 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 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-3251-3251).....\$100,000

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 2019.

(p) 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 2019, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2019 from the unencumbered balance as of June 30, 2018, 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, 2018: *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 2019 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2019.

Sec. 227. On and after July 1, 2017, K.S.A. 2016 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 ~~subsection (b) 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, ~~2016~~ 2018, notwithstanding the other provisions of this section, on March 1, ~~2016~~ 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 ~~2016~~ 2018 from state fair activities and non-fair days activities through March 1, ~~2016~~ 2018, except that, subject to approval by the director of the budget prior to March 1, ~~2016~~ 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, ~~2016~~ 2018, the state fair board may certify an amount on March 1, ~~2016~~ 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, ~~2016~~ 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 ~~2016~~ 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, ~~2017~~ 2019, notwithstanding the other provisions of this section, on March 1, ~~2017~~ 2019, 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 ~~2017~~ 2019 from state fair activities and non-fair days activities through March 1, ~~2017~~ 2019, except that, subject to approval by the director of the budget prior to March 1, ~~2017~~ 2019, 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, ~~2017~~ 2019, the state fair board may certify an amount on March 1, ~~2017~~ 2019, 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, ~~2017~~ 2019, 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 ~~2017~~ 2019. 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.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year except for the fiscal years ending June 30, ~~2016~~ 2018, and June 30, ~~2017~~ 2019, the transfer shall not exceed \$100,000.

Sec. 228. On and after July 1, 2017, K.S.A. 2016 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. 2016 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, 2016, on July 1, 2017, and on July 1, 2018, and July 1, 2019~~, 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. 2016 Supp. 74-8959, and amendments thereto.

(2) Notwithstanding the provisions of K.S.A. 2016 Supp. 74-8959, and amendments thereto, to the contrary, during fiscal year ~~2016, fiscal year 2017, and fiscal year 2018, fiscal year 2019, and fiscal year 2020~~, 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 11, 2016, January 9, 2017, and~~ January 8, 2018, January 14, 2019, and January 13, 2020, 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. 229. On and after July 1, 2017, K.S.A. 2016 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, 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. 2016 Supp. 72-6470, 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, 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. 230. On and after July 1, 2017, K.S.A. 2016 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, 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 ~~2016 or 2018~~, state fiscal year ~~2017 2019, or state fiscal year 2020~~.

Sec. 231. On and after July 1, 2017, K.S.A. 2016 Supp. 68-2320 is hereby amended to read as follows: 68-2320. (a) On and after July 1, 1991, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the

purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$890,000,000.

(b) In addition to the provisions of subsection (a), on and after July 1, 1999, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$1,272,000,000.

(c) (1) In addition to the provisions of subsections (a) and (b), on and after July 1, 2010, the secretary of transportation is hereby authorized and empowered to issue additional bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. On and after the effective date of this act, except as provided further, no bonds shall be issued by the secretary pursuant to this subsection unless the secretary certifies that, as of the date of issuance of any such series of additional bonds, the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, including the bonds to be issued on such date, will not exceed 18% of projected state highway fund revenues for the current or any future fiscal year. ~~During the fiscal year ending June 30, 2017, the limitation on the amount of the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, for the purpose of issuing any such series of additional bonds authorized by the secretary is 19% of projected state highway fund revenues for the current or any future fiscal year. During the fiscal year ending June 30, 2018, and the fiscal year ending June 30, 2019, the limitation on the amount of the maximum total amount of principal on all outstanding bonds issued pursuant to this subsection and K.S.A. 68-2328, and amendments thereto, for the purpose of issuing any such series of additional bonds authorized by the secretary shall be \$1,700,000,000 of the total principal for the transportation works for Kansas program authorized under K.S.A. 2016 Supp. 68-2314b et seq., and amendments thereto.~~ The provisions of this section relating to limitations of bonded indebtedness shall not in any way impair the rights and remedies of the holders of any bonds issued prior to the effective date of this act.

(2) As used in this subsection:

(A) "Maximum annual debt service" means the maximum amount of debt service requirements on all outstanding bonds for the current or any future fiscal year;

(B) "debt service requirements" means, for each fiscal year, the aggregate principal and interest payments required to be made during such fiscal year on all outstanding bonds, including the additional bonds to be issued, less any interest subsidy payments expected to be received from the federal government, less any principal and interest payments irrevocably provided for from a dedicated escrow of United States government securities;

(C) "projected state highway fund revenues" means all revenues projected by the secretary of transportation to accrue to the state highway fund for the current or any future fiscal year; and

(D) "fiscal year" means the fiscal year of the state.

(3) Debt service requirements for variable rate bonds outstanding or proposed to be issued for the current or any future fiscal year for which the actual interest rate cannot be determined on the date of calculation shall be deemed to bear interest at an assumed rate equal to the average of the SIFMA swap index, or any successor variable rate index, for the immediately preceding five calendar years plus 1% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit enhancement, liquidity and remarketing costs; except that, debt service requirements for variable rate bonds that are hedged pursuant to an interest rate exchange or similar agreement that results in synthetic fixed rate debt shall be deemed to bear interest at the synthetic fixed rate plus .5% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit enhancement, liquidity and remarketing costs.

(4) Projected state highway fund revenues for the current or any future fiscal year for which the actual revenues cannot be determined on the date of calculation shall be deemed to be the actual revenues for the most recently completed fiscal year, adjusted in each subsequent fiscal year by a percentage equal to the historical average annual increase or decrease in revenues for the five fiscal year period prior to the current fiscal year, and further adjusted to take into account any increases or decreases in the statutory rates of any taxes or other charges or transfers that comprise a portion of the revenues.

(d) In accordance with procurement statutes, the secretary may contract with financial advisors, attorneys and such other professional services as the secretary deems necessary to carry out the provisions of this act, and to do all things necessary or convenient to carry out the powers expressly granted in this act.

Sec. 232. On and after July 1, 2017, K.S.A. 2016 Supp. 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052, is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in K.S.A. 74-4908(3)(a), and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in K.S.A. 74-4908(3)(a), and amendments thereto, and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or

before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto, shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%; (E) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, except as provided by section 37(b) of 2017 Senate Substitute for Substitute for House Bill No. 2052, and amendments thereto, for the participating employers under K.S.A. 74-4931, and amendments thereto; ~~and (F) for the fiscal year commencing in calendar year 2017, the employer rate of contribution shall be 12.01% and for participating employers under K.S.A. 74-4931, and amendments thereto, an additional percentage of compensation corresponding to the level dollar repayment amount certified by the board pursuant to subsection (17); and (G) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year and for participating employers under K.S.A. 74-4931, and amendments thereto, an additional percentage of compensation corresponding to the level dollar repayment amount certified by the board pursuant to subsection (17) and (18).~~ As used in this subsection, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year

2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i, and amendments thereto, will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i, and amendments thereto, shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. Such actuarial cost shall be determined by the qualified actuary employed or retained by the system pursuant to K.S.A. 74-4908, and amendments thereto, and reported to the system and the joint committee on pensions, investments and benefits.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the

provisions of K.S.A. 2016 Supp. 74-49,114b, and amendments thereto, for retirees other than local retirees as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 2016 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirees who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2016 Supp. 74-49,114c, and amendments thereto, for retirees other than local retirees as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 2016 Supp. 74-49,114c, and amendments thereto, for the KPERS local group and retirees who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(16) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

(17) The actuarial cost of the reduction of employer contributions for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, pursuant to the provisions of section 37 of 2017 Senate Substitute for Substitute for House Bill No. 2052, and amendments thereto, shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2018.

(18) The actuarial cost of \$194,022,683 shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation

shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2020.

Sec. 233. On and after July 1, 2017, K.S.A. 2016 Supp. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) Commencing July 1, ~~2015~~ 2017, and on the first day of each month thereafter during ~~fiscal year 2016, fiscal year 2017, and~~ fiscal year 2018, fiscal year 2019, and fiscal year 2020, 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. 2016 Supp. 74-50,224, and amendments thereto. ~~During fiscal years 2016 and 2017, no moneys shall be credited to the job creation fund pursuant to the subsection for such fiscal year.~~ During fiscal year 2018, fiscal year 2019, and fiscal year 2020, 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, ~~2018~~ 2020, 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. 2016 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. 2016 Supp. 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. 234. On and after July 1, 2017, K.S.A. 2016 Supp. 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. 2016 Supp. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining

which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (d)(2), (d)(3); ~~or (h), (i) or (j)~~, for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 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 2016, fiscal year 2017 and~~ fiscal year 2018, the first \$1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the state general fund to the following: The center of innovation for biomaterials in orthopaedic research – Wichita state university fund.

(B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – – Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(3) (A) ~~For fiscal year 2016, fiscal year 2017 and~~ fiscal year 2018, the next \$5,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees above the first \$1,000,000 certified pursuant to subsection (d)(2)(A), shall be transferred by the director of accounts and reports from the state general fund to the following: The national bio agro-defense facility fund at Kansas state university.

(B) There is hereby established in the state treasury the national bio agro-defense facility fund which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq.,

and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

~~(h) During the fiscal year ending June 30, 2016, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$6,997,663 for such fiscal year.~~

~~(i) During the fiscal year ending June 30, 2017, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$6,000,000 for such fiscal year.~~

~~(j) During the fiscal year ending June 30, 2018, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$6,000,000 for such fiscal year.~~

(i) During fiscal years 2019 and 2020, no moneys shall be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1).

Sec. 235. On and after July 1, 2017, K.S.A. 2016 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, ~~2016~~ 2018, and the fiscal year ending June 30, ~~2017~~ 2019, 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 ~~2015 or 2016~~ 2017 or 2018 regular session of the legislature.

Sec. 236. On and after July 1, 2017, K.S.A. 2016 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. 2016 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, 2016, June 30, 2017, and June 30, 2018, June 30, 2019, and June 30, 2020,~~ 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 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 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. 237. On and after July 1, 2017, K.S.A. 2016 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. 2016 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. 2016 Supp. 76-7,104, and amendments thereto, during the fiscal-year years ending ~~June 30, 2016, June 30, 2017, and June 30, 2018, June 30, 2019, and June 30, 2020,~~ 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. 238. On and after July 1, 2017, K.S.A. 2016 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 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 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 ~~2016, 2017 and 2018, 2019 and 2020~~; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year ~~2019, 2021~~ 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 ~~2019, 2021~~ 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 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 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. 239. On and after July 1, 2017, K.S.A. 2016 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 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 ~~2016, 2017 and 2018, 2019, and 2020~~. 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. 240. On and after July 1, 2017, K.S.A. 2016 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. 2016 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 2016, state fiscal year 2017, or state fiscal year 2018, state fiscal year 2019, or state fiscal year 2020;~~ and (3) all transfers under this section shall be considered to be demand transfers from the state general fund; ~~and~~ (4) (A) on each January 14, April 14, July 14 and October 14 of state fiscal years 2016, 2017 and 2018 the state treasurer shall determine the amount of money to be paid the counties and cities on such dates of such year, pursuant to K.S.A. 79-3425e, and amendments thereto, and make the following adjustments prior to the apportionment and payment specified in K.S.A. 79-3425e, and amendments thereto: (i) The following amounts shall be added to the apportionment and payment to be paid to the following counties: ~~Barton county, \$7,984.99; Butler county, \$96,937.27; Douglas county, \$128,245.99; Leavenworth county, \$55,766.22; Shawnee county, \$267,356.20; and (ii) the following amounts shall be deducted from the apportionment and payment to the following counties: Allen county, \$3,839.12; Anderson county, \$2,957.98; Atchison county, \$4,345.79; Barber county, \$1,813.76; Bourbon county, \$2,945.98; Brown county, \$1,590.14; Chase county, \$1,364.54; Chautauqua county, \$539.42; Cherokee county, \$5,874.25; Cheyenne county, \$1,317.84; Clark county, \$757.32; Clay county, \$968.54; Cloud county, \$2,774.68; Coffey county, \$2,894.76; Comanche county, \$446.63; Cowley county, \$2,116.31; Crawford county, \$5,558.19; Decatur county, \$1,615.15; Dickinson county, \$6,024.00; Doniphan county, \$2,626.24; Edwards county, \$1,580.33; Elk county, \$525.08; Ellis county, \$8,774.46; Ellsworth county, \$2,334.37; Finney county, \$5,837.57; Ford county, \$7,048.03; Franklin county, \$6,898.28; Geary county, \$976.57; Gove county, \$1,058.76; Graham county, \$1,409.48; Grant county, \$1,936.03; Gray county, \$2,355.25; Greeley county, \$941.53; Greenwood county, \$2,701.29; Hamilton county, \$1,060.71; Harper county, \$1,466.35; Harvey county, \$7,863.46; Haskell county, \$1,335.39; Hodgeman county, \$959.20; Jackson county, \$4,647.68; Jefferson county, \$6,701.43; Jewell county, \$1,211.66; Johnson county, \$115,947.72; Kearny county, \$1,160.82; Kingman county, \$2,801.87; Kiowa county, \$1,441.36; Labette county, \$5,563.25; Lane county, \$652.48; Lincoln county, \$1,203.05; Linn county, \$3,772.22; Logan county, \$1,169.58; Lyon county, \$8,236.73; Marion county, \$3,681.52; Marshall county, \$3,878.17; McPherson county, \$8,652.66; Meade county, \$1,048.56; Miami county, \$10,701.45; Mitchell county, \$3,466.79; Montgomery county, \$8,377.29; Morris county, \$1,955.91; Morton county, \$1,200.61; Nemaha county, \$3,774.74; Neosho county, \$5,507.28; Ness county, \$991.77; Norton county, \$1,800.14; Osage county, \$2,327.93; Osborne county, \$1,882.73; Ottawa county, \$2,063.91; Pawnee county, \$1,802.09; Phillips county, \$2,622.20; Pottawatomie county, \$6,512.08; Pratt county, \$2,187.16; Rawlins county, \$1,119.60; Reno county,~~

~~\$12,935.71; Republic county, \$2,272.31; Rice county, \$1,722.51; Riley county, \$11,149.53; Rooks county, \$2,252.51; Rush county, \$1,235.76; Russell county, \$577.59; Saline county, \$14,049.86; Scott county, \$1,340.37; Sedgwick county, \$117,126.91; Seward county, \$4,488.67; Sheridan county, \$1,786.11; Sherman county, \$194.37; Smith county, \$1,993.99; Stafford county, \$2,029.27; Stanton county, \$991.97; Stevens county, \$638.08; Sumner county, \$5,908.68; Thomas county, \$3,388.44; Trego county, \$1,781.87; Wabaunsee county, \$2,354.10; Wallace county, \$994.33; Washington county, \$2,554.75; Wichita county, \$1,333.92; Wilson county, \$3,659.10; Woodson county, \$1,214.90; Wyandotte county, \$16,818.00; (B) after determining and including such additions and deductions, the resulting apportionment and payment shall be paid by the state treasurer to the counties and cities prescribed therefor, notwithstanding the provisions of K.S.A. 79-3425e, and amendments thereto, or any other statute, each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016, with the requirement that the additional moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425e, and amendments thereto, including any redistributions provided for by that statute, except that the state treasurer shall calculate the annual equalization payment to each county without considering the deductions or additions to quarterly distributions required by subsection (a)(4)(A); and (C) acceptance of the payments made pursuant to this subsection (a)(4) shall be deemed as payment in full and a release of any liability from the county to the state treasurer for payments from the special city and county highway fund for state fiscal years 2000 through 2009.~~

Sec. 241. On and after July 1, 2017, K.S.A. 2016 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, 2016, June 30, 2017, or June 30, 2018, June 30, 2019, or June 30, 2020.~~ 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. 2016 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. 2016 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 242. On and after July 1, 2017, K.S.A. 2016 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2016 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for

the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than $\frac{1}{2}$ of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. 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 2016, state fiscal year 2017 and state fiscal year 2018, state fiscal year 2019, and state fiscal year 2020.~~ No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 243. On and after July 1, 2017, K.S.A. 2016 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 ~~no moneys shall be transferred from the state general fund to the state water plan fund during the fiscal years year ending June 30, 2016, June 30, 2017, and June 30, 2018, the transfer shall not exceed \$1,200,000. No moneys shall be transferred from the state general fund to the state water plan fund during the fiscal years ending June 30, 2019, and June 30, 2020.~~

Sec. 244. On and after July 1, 2017, K.S.A. 2016 Supp. 2-223, 12-1775a, 12-5256, 55-193, 68-2320, 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a are hereby repealed.

Sec. 245. 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. 246. *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. 247. *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. 248. *Savings.* (a) Any unencumbered balance as of June 30, 2017, 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 2018 by this or any other appropriation act of the 2017 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2018, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2018, 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 2019 by this act or any other appropriation act of the 2017 or 2018 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2019, for the same use and purpose as the same was heretofore appropriated.

(c) 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. 249. (a) During the fiscal year ending June 30, 2018, 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 2017 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2018, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund.

(b) During the fiscal year ending June 30, 2019, 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 2017 or 2018 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2019, 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.

(c) 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. 250. *Federal grants.* (a) During the fiscal year ending June 30, 2018, 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 2018 by this or other appropriation act of the 2017 regular session of the legislature, is hereby appropriated for fiscal year 2018, 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) During the fiscal year ending June 30, 2019, 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 2019 by this or other appropriation act of the 2017 or 2018 regular session of the legislature, is hereby appropriated for fiscal year 2019 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, for fiscal year 2019, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2019.

(c) 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 2018 and fiscal year 2019 by this act or any other appropriation act of the 2017 or 2018 regular session of the legislature to apply for and receive federal grants during fiscal year 2018 and fiscal year 2019, 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. 251. (a) (1) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2017 regular session of the legislature, and having an unencumbered balance as of June 30, 2017, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2018, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(2) 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, 2016.

(b) (1) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2017 or 2018 regular session of the legislature, and having an unencumbered balance as of June 30, 2018, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2019, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(2) 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, 2017.

Sec. 252. (a) (1) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2017 regular session of the legislature and having an unencumbered balance as of June 30, 2017, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2018, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) 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, 2016.

(b) (1) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2017 or 2018 regular session of the legislature and having an unencumbered balance as of June 30, 2018, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2019, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) 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, 2017.

Sec. 253. (a) (1) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2017 regular session of the legislature and having an unencumbered balance as of June 30, 2017, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2018, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) 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, 2016.

(b) (1) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2017 or 2018 regular session of the legislature and having an unencumbered balance as of June 30, 2018, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2019, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) 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, 2017.

Sec. 254. (a) Any transfers of money during the fiscal year ending June 30, 2018, 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, 2018.

(b) Any transfers of money during the fiscal year ending June 30, 2019, 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, 2019.";

And by renumbering remaining sections accordingly;

On page 1, in the title, by striking all in lines 2 through 11; in line 12, by striking all before the period and inserting "June 30, 2017, June 30, 2018, 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 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. 2016 Supp. 2-223, 12-1775a, 12-5256, 55-193, 68-2320, 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052, 74-50,107, 74-99b34, 75-6702, 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 your committee on conference recommends the adoption of this report.

CAROLYN MCGINN

RICK BILLINGER

LAURA KELLY

Conferees on part of Senate

TROY WAYMASTER

ERIN DAVIS

KATHY WOLF MOORE

Conferees on part of Senate

Senator McGinn moved the Senate adopt the Conference Committee Report on **S Sub for HB 2002**.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Fitzgerald, Hilderbrand, Lynn, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle.

Absent or Not Voting: Masterson, Suellentrop.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: This budget did steal from KPERS, transportation and the PMIB, contrary to the Ways and Means chairman. I guess you can ignore that if you are the one who built the budget. The spending increase in this conference committee report on **S Sub HB 2002** is unacceptable because it is such a heavy burden for the people of Kansas. This report does nothing to structurally fix the budget, as it increases spending at such a high level and even delays over \$300 million in KPERS payments to make the ending balance appear higher than it actually would be. The members of this Legislature voting for this budget are using taxpayers like a credit card, as they kick the can down the road and create more problems in future years. In addition, it comes with a RETROACTIVE \$1.2 billion tax increase, which is immoral to take from Kansas citizens after they have already spent their paychecks. I vote against this measure and encourage my colleagues to do the same.—MARY PILCHER-COOK

Senators Alley, Baumgardner, Fitzgerald, Hilderbrand and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on **S Sub HB 2002**.

SPECIAL REMARKS

Madam President, The conference committee report on **S Sub HB 2002** increases government spending by an egregious amount, adding hundreds of millions of dollars in NEW spending in a single budget cycle, while not even making over 300 million in KPERS payments, adding to long term debt, and exacerbating our unfunded liability. Coupled with the fact those with radical ideology in this legislature passed the largest tax increase in Kansas history by almost double, applied those taxes RETROACTIVELY, cut the low income exclusion by more than half, and left our sales tax at its peak, represents completely irresponsible governing. This burdens Kansans with over 1.2 Billion dollars in new taxes and at the same time spends all their money at such an increased rate that the out year budget profile is NEGATIVE in just 24 months. All of this combined is proof positive that no matter how high they raise taxes on

Kansas families, a reckless, out of control government can always out spend what it takes in and create its own deficit in any economy. On behalf of a majority of my constituents in the 16th district, I will not support this agenda in any way.—Ty
MASTERSON

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Schmidt in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2212**.

The House concurs in Senate amendments to **HB 2407**, and requests return on the bill.

The House adopts the Conference Committee report on **S Sub HB 2002**.

Announcing adoption of **HCR 5016**.

HCR 5016 was introduced and read by title.

On motion of Senator Goddard an emergency was declared, the rules suspended and **HCR 5016**, relating to adjournment of the legislature for a time during the 2017 session, was adopted by voice vote.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of June 5-9, 2017:

Senator Bowers: congratulating Harry Kitchener on his induction into the Track and Field Coaches Association Hall of Fame, congratulating Paige Robins on winning the state championship in prose;

Senator Faust-Goudeau: thanking Martha Dorsey for her service to the Kansas Senate, commending Lavonta Williams on her service to the Wichita Community and the State of Kansas; and

Senator Hilderbrand: congratulating Vicki Bradley on receiving the Kansas Association of School Business Officials Distinguished Service Award.

On motion of Senator Goddard, the Senate adjourned until 10:00 a.m., Monday, June 26, 2017.

Journal of the Senate

EIGHTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, June 26, 2017, 10:00 a.m.

As provided by **HCR 5016**, the Sine Die Session of the regular 2017 Kansas Senate was called to order by President Susan Wagle.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, as weeks, months and even years go by, and we look back at the work You allowed us to do, let us see that You were able to merge the diversity and opposing viewpoints in these halls to produce a better way of life for Your People.

1 Corinthians 12:12-31, You remind us of the unity, in spite of diversity, in the human body. Likewise, in this legislative body, as diverse as we are, You have put us all together with a need for each other. Like the eye and the hand work together in spite of their differences, You brought this body of diverse people together to achieve an improved society.

Lord, the motto "E pluribus unum," is a reminder that the oneness...the unity in these halls is made up of the parts and all the parts issue into the one.

Thank You for what has been accomplished, and for the work that is yet to be done.

Watch over these servants and maintain a hedge of protection around them. Then bring us back together in Your time and in Your way.

(Reverend Washington concluded his prayer by singing "God Bless America.") Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGES FROM THE GOVERNOR

SB 19 approved on June 15, 2017.

SB 96; H Sub SB 126 approved on June 22, 2017.

H Sub SB 86 approved on June 23, 2017.

REPORT ON ENROLLED BILLS

H Sub SB 86; SB 96; H Sub SB 126 reported correctly enrolled, properly signed and presented to the Governor on June 15, 2017.

As provided by **HCR 5016**, Senator Denning moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle there upon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2017 Session of the Kansas Senate adjourned Sine Die."

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*



SHORT TITLE AND HISTORY
OF
SENATE BILLS
AND
SENATE RESOLUTIONS

(SJ & HJ Nos. refer to 2017 Senate and House Journals)
(1473)

TITLE AND HISTORY OF SENATE BILLS

- S 1** Bill by Legislative Post Audit Committee
Eliminating the reporting requirements for law enforcement agencies concerning civil asset seizures and forfeitures.
 01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
 01/09/2017 Senate—Introduced—SJ 27
 01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31
- S 2** Bill by Legislative Post Audit Committee
Exempting the division of legislative post audit from the monumental building surcharge.
 01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
 01/09/2017 Senate—Introduced—SJ 27
 01/10/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 31
- S 3** Bill by Legislative Post Audit Committee
Kansas standard asset seizure and forfeiture act; restriction on county or district attorney.
 01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
 01/09/2017 Senate—Introduced—SJ 27
 01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31
- S 4** Bill by Legislative Post Audit Committee
Clarifying and limiting discretion for expenditure of proceeds from civil forfeiture.
 01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
 01/09/2017 Senate—Introduced—SJ 27
 01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31
- S 5** Bill by Senator Faust-Goudeau
Making certain individuals eligible for restricted driving privileges.
 01/09/2017 Senate—Prefiled for Introduction on Tuesday, December 06, 2016—SJ 27
 01/09/2017 Senate—Introduced—SJ 27
 01/10/2017 Senate—Referred to Committee on Transportation—SJ 31
 01/11/2017 Senate—Hearing: Thursday, January 19, 2017, 08:30 AM Room 546-S
 01/31/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 111
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 298
- S 6** Bill by Senator Faust-Goudeau
Standardized law enforcement procedure to assess possession of firearms by an individual during routine stop.
 01/09/2017 Senate—Prefiled for Introduction on Thursday, January 05, 2017—SJ 27
 01/09/2017 Senate—Introduced—SJ 27
 01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31

- 02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131
- S 7 03/16/2017 Senate—Hearing: Tuesday, March 21, 2017, 10:30 AM Room 144-S
Bill by Senator Faust-Goudeau
Enacting the Kansas reinvestment act.
01/09/2017 Senate—Prefiled for Introduction on Friday, January 06, 2017—SJ 27
01/09/2017 Senate—Introduced—SJ 27
- S 8 01/10/2017 Senate—Referred to Committee on Commerce—SJ 31
Bill by Senators Hensley, Francisco, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey, Rogers
House Substitute for Substitute for SB 8 by Committee on Elections – Counting advanced ballots mailed on date of election; election commissioners elected; candidate, treasurer, party committee and political committee report information; other.
01/09/2017 Senate—Prefiled for Introduction on Friday, January 06, 2017—SJ 27
01/09/2017 Senate—Introduced—SJ 27
01/10/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 31
01/18/2017 Senate—Hearing: Tuesday, January 24, 2017, 09:30 AM Room 159-S
02/16/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Ethics, Elections and Local Government—SJ 169
02/22/2017 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 200
02/23/2017 Senate—Final Action - Passed as amended; Yea: 27 Nay: 13—SJ 202
02/23/2017 House—Received and Introduced—HJ 349
03/06/2017 House—Referred to Committee on Elections—HJ 359
03/07/2017 House—Hearing: Wednesday, March 08, 2017, 01:30 PM Room 281-N
03/24/2017 House—Committee Report recommending substitute bill be passed by Committee on Elections—HJ 518
03/30/2017 House—Stricken from Calendar by Rule 1507—HJ 575
- S 9 Bill by Senator Hensley
Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
01/09/2017 Senate—Prefiled for Introduction on Friday, January 06, 2017—SJ 28
01/09/2017 Senate—Introduced—SJ 28
01/10/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 31
- S 10 Bill by Judiciary
Prohibiting filing of certain liens or claims against real or personal property and providing for criminal penalties.
01/10/2017 Senate—Introduced—SJ 30
01/11/2017 Senate—Hearing: Thursday, January 19, 2017, 10:30 AM Room 346-S
01/11/2017 Senate—Referred to Committee on Judiciary—SJ 37
02/10/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 151
02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214

- S 11** Bill by Ethics, Elections and Local Government
Vacancy elections; United States representative to congress.
 01/10/2017 Senate—Introduced—SJ 30
 01/10/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 31
- S 12** Bill by Judiciary
Amending residency restrictions for persons on transitional or conditional release under the Kansas sexually violent predator act.
 01/11/2017 Senate—Introduced—SJ 37
 01/12/2017 Senate—Referred to Committee on Judiciary—SJ 40
 01/17/2017 Senate—Hearing: Thursday, January 26, 2017, 10:30 AM Room 346-S
- S 13** Bill by Judiciary
House Substitute for SB 13 by Committee on Commerce, Labor and Economic Development -- Alcoholic beverages; sale of beer by cereal malt beverage licensees.
 01/11/2017 Senate—Introduced—SJ 37
 01/12/2017 Senate—Referred to Committee on Judiciary—SJ 40
 01/17/2017 Senate—Hearing: Tuesday, January 24, 2017, 10:30 AM Room 346-S
 01/26/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 77
 02/07/2017 Senate—Committee of the Whole - Be passed—SJ 140
 02/08/2017 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 144
 02/09/2017 House—Received and Introduced—HJ 210
 02/10/2017 House—Referred to Committee on Judiciary—HJ 218
 02/23/2017 House—Hearing: Tuesday, March 07, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
 04/04/2017 House—Withdrawn from Committee on Appropriations; Referred to Committee on Commerce, Labor and Economic Development—HJ 595
 04/04/2017 House—Committee Report recommending substitute bill be passed by Committee on Commerce, Labor and Economic Development—HJ 604
 04/06/2017 House—Committee of the Whole - Substitute bill be passed—HJ 625
 04/06/2017 House—Motion to Reconsider Adopted—HJ 626
 04/06/2017 House—Emergency Final Action - Substitute passed; Yea: 80 Nay: 45—HJ 627
 04/07/2017 Senate—Concurred with amendments; Yea: 27 Nay: 11—SJ 503
 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
 05/01/2017 Senate—Approved by Governor on Tuesday, April 18, 2017—SJ 507
- S 14** Bill by Financial Institutions and Insurance
Providing for limited lines insurance coverage of self-storage units.
 01/11/2017 Senate—Introduced—SJ 37
 01/12/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 40
 01/17/2017 Senate—Hearing: Wednesday, January 18, 2017, 09:30 AM Room 546-S
 02/02/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 124
 02/07/2017 Senate—Committee of the Whole - Be passed as amended—SJ 140
 02/08/2017 Senate—Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 145

- 02/09/2017 House—Received and Introduced—HJ 210
 02/10/2017 House—Referred to Committee on Insurance—HJ 218
 02/20/2017 House—Hearing: Tuesday, March 07, 2017, 09:00 AM Room 281-N
 03/16/2017 House—Committee Report recommending bill be passed as amended
 by Committee on Insurance—HJ 456
 03/21/2017 House—Committee of the Whole - Be passed as amended—HJ 484
 03/22/2017 House—Final Action - Passed as amended; Yea: 99 Nay: 24—HJ 489
 03/22/2017 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Longbine, Senator Billinger and Senator
 Rogers as conferees—SJ 304
 03/23/2017 House—Motion to accede adopted; Representative Vickrey,
 Representative Dove and Representative Neighbor appointed as conferees
 —HJ 501
 05/02/2017 House—Conference Committee Report was adopted; Yea: 111 Nay: 11
 —HJ 729
 05/04/2017 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 3—
 SJ 597
 05/09/2017 Senate—Enrolled and presented to Governor on Tuesday, May 09, 2017
 —SJ 635
 05/16/2017 Senate—Approved by Governor on Monday, May 15, 2017—SJ 703
- S 15** Bill by Financial Institutions and Insurance
Updating the effective date of risk based capital instructions.
 01/12/2017 Senate—Introduced—SJ 39
 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance
 —SJ 42
 01/17/2017 Senate—Hearing: Tuesday, January 17, 2017, 09:30 AM Room 546-S
 01/26/2017 Senate—Committee Report recommending bill be passed by Committee
 on Financial Institutions and Insurance—SJ 77
 02/02/2017 Senate—Committee of the Whole - Be passed—SJ 123
 02/02/2017 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 123
 02/03/2017 House—Received and Introduced—HJ 177
 02/06/2017 House—Referred to Committee on Financial Institutions and Pensions
 —HJ 185
 02/07/2017 House—Withdrawn from Committee on Financial Institutions and
 Pensions; Referred to Committee on Insurance—HJ 194
 02/09/2017 House—Withdrawn from Committee on Insurance; Referred to
 Committee on Health and Human Services—HJ 210
 03/07/2017 House—Withdrawn from Committee on Health and Human Services;
 Rereferred to Committee on Insurance—HJ 363
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 09:00 AM Room 281-N
 03/16/2017 House—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Insurance—HJ 456
 03/21/2017 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 474
 03/24/2017 Senate—Enrolled and presented to Governor on Friday, March 24, 2017
 —SJ 348
 03/29/2017 Senate—Approved by Governor on Tuesday, March 28, 2017—SJ 395
- S 16** Bill by Financial Institutions and Insurance
**Enacting new insurance holding company regulatory law and corporate
 governance annual disclosure law.**
 01/12/2017 Senate—Introduced—SJ 39

- 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
- 01/17/2017 Senate—Hearing: Tuesday, January 17, 2017, 09:30 AM Room 546-S
- 01/27/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 78
- 02/07/2017 Senate—Committee of the Whole - Be passed as amended—SJ 140
- 02/08/2017 Senate—Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 145
- 02/09/2017 House—Received and Introduced—HJ 210
- 02/10/2017 House—Referred to Committee on Insurance—HJ 218
- 02/20/2017 House—Hearing: Tuesday, March 07, 2017, 09:00 AM Room 281-N
- 03/09/2017 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 376
- 03/24/2017 House—Committee of the Whole - Be passed as amended—HJ 518
- 03/27/2017 House—Final Action - Passed as amended; Yea: 114 Nay: 8—HJ 529
- 03/27/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 355
- 03/28/2017 House—Motion to accede adopted; Representative Vickrey, Representative Dove and Representative Neighbor appointed as conferees—HJ 534
- 05/03/2017 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 763
- 05/04/2017 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 4—SJ 600
- 05/09/2017 Senate—Enrolled and presented to Governor on Tuesday, May 09, 2017—SJ 635
- 05/16/2017 Senate—Approved by Governor on Monday, May 15, 2017—SJ 703
- S 17** Bill by Financial Institutions and Insurance
Enacting the fair access to insurance requirements plan act.
- 01/12/2017 Senate—Introduced—SJ 39
- 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
- 01/17/2017 Senate—Hearing: Thursday, January 19, 2017, 09:30 AM Room 546-S
- 01/26/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 77
- 02/02/2017 Senate—Committee of the Whole - Be passed—SJ 123
- 02/02/2017 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 124
- 02/03/2017 House—Received and Introduced—HJ 177
- 02/06/2017 House—Referred to Committee on Insurance—HJ 185
- 02/08/2017 House—Hearing: Thursday, February 16, 2017, 09:00 AM Room 281-N
- 03/09/2017 House—Committee Report recommending bill be passed by Committee on Insurance—HJ 376
- 03/16/2017 House—Committee of the Whole - Be passed—HJ 453
- 03/17/2017 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 461
- 03/24/2017 Senate—Enrolled and presented to Governor on Friday, March 24, 2017—SJ 348
- 03/29/2017 Senate—Approved by Governor on Tuesday, March 28, 2017—SJ 395
- S 18** Bill by Financial Institutions and Insurance
Amending the Kansas mortgage business act.
- 01/12/2017 Senate—Introduced—SJ 39

- 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
- 01/18/2017 Senate—Hearing: Thursday, January 26, 2017, 09:30 AM Room 546-S
- 02/02/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 124
- 02/07/2017 Senate—Committee of the Whole - Be passed—SJ 140
- 02/08/2017 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 145
- 02/09/2017 House—Received and Introduced—HJ 210
- 02/10/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 218
- 02/21/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
S 19 Bill by Financial Institutions and Insurance
Creating the Kansas school equity and enhancement act.
- 01/12/2017 Senate—Introduced—SJ 39
- 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
- 01/17/2017 Senate—Hearing: Thursday, January 19, 2017, 09:30 AM Room 546-S
- 01/26/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 77
- 02/02/2017 Senate—Committee of the Whole - Be passed—SJ 123
- 02/02/2017 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 0—SJ 124
- 02/03/2017 House—Received and Introduced—HJ 177
- 02/06/2017 House—Referred to Committee on Insurance—HJ 185
- 02/08/2017 House—Hearing: Thursday, February 16, 2017, 09:00 AM Room 281-N
- 03/09/2017 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 376
- 03/16/2017 House—Committee of the Whole - Be passed as amended
- 03/17/2017 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 461
- 03/20/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 295
- 03/21/2017 House—Motion to accede adopted; Representative Vickrey, Representative Dove and Representative Neighbor appointed as conferees—HJ 474
- 06/01/2017 House—Representative Campbell, Representative Aurand, and Representative Trimmer are appointed to replace Representative Vickrey, Representative Dove, and Representative Neighbor on the Conference Committee—HJ 1102
- 06/03/2017 Senate—Senator Denning, Senator McGinn, and Senator Hensley are appointed to replace Senator Longbine, Senator Billinger, and Senator Rogers on the Conference Committee
- 06/04/2017 House—Conference Committee Report agree to disagree adopted; Representative Campbell, Representative Aurand and Representative Trimmer appointed as second conferees—HJ 1151
- 06/04/2017 Senate—Conference Committee Report agree to disagree adopted; Senator Denning, Senator McGinn and Senator Hensley appointed as second conferees—SJ 841
- 06/05/2017 House—Conference Committee Report not adopted; Yea: 32 Nay: 91—HJ 1154
- 06/05/2017 House—Motion to Reconsider Adopted—HJ 1271

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 06/05/2017 House—Conference Committee Report not adopted; Representative Campbell, Representative Aurand and Representative Trimmer appointed as third conferees—HJ 1271
- 06/05/2017 Senate—Motion to accede adopted; Senator Denning, Senator McGinn and Senator Hensley appointed as third conferees—SJ 855
- 06/05/2017 House—Conference Committee Report was adopted; Yea: 67 Nay: 55—HJ 1272
- 06/05/2017 Senate—Conference Committee Report was adopted; Yea: 23 Nay: 17—SJ 855
- 06/09/2017 Senate—Enrolled and presented to Governor on Friday, June 09, 2017—SJ 1055
- 06/26/2017 Senate—Approved by Governor on Thursday, June 15, 2017
- S 20** Bill by Financial Institutions and Insurance
Amending the state banking code.
- 01/12/2017 Senate—Introduced—SJ 39
- 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
- 01/18/2017 Senate—Hearing: Tuesday, January 24, 2017, 09:30 AM Room 546-S
- 01/26/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 77
- 02/07/2017 Senate—Committee of the Whole - Be passed—SJ 140
- 02/08/2017 Senate—Final Action - Passed; Yea: 36 Nay: 3—SJ 145
- 02/09/2017 House—Received and Introduced—HJ 210
- 02/10/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 218
- 02/21/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
- 03/14/2017 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Pensions—HJ 392
- 03/21/2017 House—Committee of the Whole - Be passed as amended—HJ 475
- 03/22/2017 House—Final Action - Passed as amended; Yea: 108 Nay: 15—HJ 489
- 03/22/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 304
- 03/23/2017 House—Motion to accede adopted; Representative Kelly, Representative Powell and Representative Finney appointed as conferees—HJ 501
- 04/05/2017 Senate—Concurred with amendments in conference; Yea: 36 Nay: 4—SJ 472
- 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
- 05/01/2017 Senate—Approved by Governor on Tuesday, April 18, 2017—SJ 507
- S 21** Bill by Financial Institutions and Insurance
House Substitute for SB 21 by Committee on Financial Institutions and Pensions – Sunsetting special exemptions and modifying certain other KPERS working after retirement provisions.
- 01/12/2017 Senate—Introduced—SJ 40
- 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
- 01/18/2017 Senate—Hearing: Tuesday, January 24, 2017, 09:30 AM Room 546-S

- 01/26/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 77
- 02/07/2017 Senate—Committee of the Whole - Be passed as amended—SJ 140
- 02/08/2017 Senate—Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 146
- 02/09/2017 House—Received and Introduced—HJ 210
- 02/10/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 218
- 02/21/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
- 03/23/2017 House—Committee Report recommending substitute bill be passed by Committee on Financial Institutions and Pensions—HJ 505
- 03/27/2017 House—Committee of the Whole - Substitute bill be passed—HJ 531
- 03/28/2017 House—Final Action - Substitute passed; Yea: 114 Nay: 9—HJ 541
- 03/28/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 364
- 03/29/2017 House—Motion to accede adopted; Representative Kelly, Representative Powell and Representative Finney appointed as conferees—HJ 548
- 04/04/2017 House—Representative Trimmer is appointed to replace Representative Finney on the Conference Committee—HJ 600
- 05/22/2017 House—Conference Committee Report was adopted; Yea: 114 Nay: 0—HJ 997
- 05/23/2017 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ 733
- 05/30/2017 Senate—Enrolled and presented to Governor on Tuesday, May 30, 2017—SJ 802
- S 22** 06/08/2017 Senate—Approved by Governor on Wednesday, June 7, 2017—SJ 1016
Bill by Financial Institutions and Insurance
Updating statutes relating to the regulation of third party administrators.
- 01/12/2017 Senate—Introduced—SJ 40
- 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
- 01/17/2017 Senate—Hearing: Wednesday, January 18, 2017, 09:30 AM Room 546-S
- 01/26/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 77
- 02/01/2017 Senate—Committee of the Whole - Be passed as amended—SJ 116
- 02/02/2017 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 122
- 02/03/2017 House—Received and Introduced—HJ 177
- 02/06/2017 House—Referred to Committee on Insurance—HJ 185
- 02/09/2017 House—Hearing: Tuesday, February 14, 2017, 09:00 AM Room 281-N
- 02/14/2017 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 236
- 02/17/2017 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 263
- 03/06/2017 Senate—Enrolled and presented to Governor on Friday, February 24, 2017—SJ 215
- 03/06/2017 Senate—Approved by Governor on Wednesday, March 1, 2017—SJ 214

- S 23** Bill by Financial Institutions and Insurance
Consolidating criminal prosecutions for fraud and abuse under the jurisdiction of the attorney general and establishing the office of the securities commissioner as a division under the jurisdiction of the commissioner of insurance.
- 01/12/2017 Senate—Introduced—SJ 40
 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 42
 01/18/2017 Senate—Hearing: Wednesday, January 25, 2017, 09:30 AM Room 546-S
 02/23/2017 Senate—Withdrawn from Committee on Financial Institutions and Insurance; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Financial Institutions and Insurance—SJ 214
 03/16/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 290
 03/22/2017 Senate—Committee of the Whole - Be passed—SJ 303
 03/23/2017 Senate—Final Action - Passed; Yea: 28 Nay: 12—SJ 311
 03/24/2017 House—Received and Introduced—HJ 514
 03/27/2017 House—Referred to Committee on Insurance—HJ 527
 03/28/2017 House—Withdrawn from Committee on Insurance; Referred to Committee on Judiciary—HJ 545
 03/28/2017 House—Hearing: Wednesday, March 29, 2017, 01:30 PM Room 582-N
 04/03/2017 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 586
 04/05/2017 House—Committee of the Whole - Be passed as amended—HJ 612
 04/06/2017 House—Final Action - Passed as amended; Yea: 115 Nay: 9—HJ 625
 04/06/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 488
 04/06/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 628
 05/12/2017 House—Conference Committee Report was adopted; Yea: 119 Nay: 2—HJ 879
 05/18/2017 Senate—Conference Committee Report was adopted; Yea: 30 Nay: 8—SJ 718
 05/22/2017 Senate—Enrolled and presented to Governor on Monday, May 22, 2017—SJ 730
 06/01/2017 Senate—Approved by Governor on Thursday, June 1, 2017—SJ 821
- S 24** Bill by Agriculture and Natural Resources
Designating the channel catfish as the state fish of Kansas.
- 01/12/2017 Senate—Introduced—SJ 40
 01/13/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 42
- S 25** Bill by Agriculture and Natural Resources
Removing the requirement for a public hearing to set cabin fees owned or operated by the department of wildlife, parks and tourism.
- 01/12/2017 Senate—Introduced—SJ 40

- 01/13/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 42
- 01/17/2017 Senate—Hearing: Thursday, January 19, 2017, 08:30 AM Room 159-S
- 02/01/2017 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 116
- 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
- 02/22/2017 Senate—Final Action - Passed as amended; Yea: 26 Nay: 14—SJ 192
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Agriculture—HJ 336
- 03/08/2017 House—Withdrawn from Committee on Agriculture; Referred to Committee on Commerce, Labor and Economic Development—HJ 369
- S 26** 03/08/2017 House—Hearing: Thursday, March 16, 2017, 01:30 PM Room 112-N
Bill by Agriculture and Natural Resources
Increasing the vessel registration fee cap.
- 01/12/2017 Senate—Introduced—SJ 40
- 01/13/2017 Senate—Referred to Committee on Transportation—SJ 42
- 01/19/2017 Senate—Hearing: Wednesday, January 25, 2017, 08:30 AM Room 546-S
- 02/07/2017 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 141
- 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 186
- 02/22/2017 Senate—Final Action - Passed; Yea: 36 Nay: 4—SJ 192
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Transportation—HJ 336
- 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 01:30 PM Room 582-N
- 03/16/2017 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 456
- 03/23/2017 House—Committee of the Whole - Motion to refer to committee failed
Committee on Federal and State Affairs
- 03/23/2017 House—Committee of the Whole - Be passed—HJ 504
- 03/24/2017 House—Final Action - Passed; Yea: 79 Nay: 43—HJ 515
- 04/03/2017 Senate—Enrolled and presented to Governor on Friday, March 31, 2017—SJ 432
- 04/06/2017 Senate—Approved by Governor on Wednesday, April 5, 2017—SJ 488
- S 27** Bill by Ways and Means
Substitute for SB 27 by Committee on Ways and Means - Appropriation revisions for FY 2017, 2018 and FY 2019 for various state agencies.
- 01/12/2017 Senate—Introduced—SJ 40
- 01/13/2017 Senate—Referred to Committee on Ways and Means—SJ 42
- 01/30/2017 Senate—Hearing and possible action: Wednesday, February 01, 2017, 10:30 AM Room 548-S
- 02/01/2017 Senate—Hearing and possible action: Wednesday, February 01, 2017, 10:30 AM Room 548-S
- 02/07/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 141
- 02/23/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 212
- S 28** Bill by Assessment and Taxation
Amending dates when certain reports due to department of revenue.
- 01/13/2017 Senate—Introduced—SJ 42

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 01/17/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 44
 01/18/2017 Senate—Hearing: Thursday, January 19, 2017, 09:30 AM Room 548-S
 01/26/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 77
 01/31/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 110
 02/01/2017 Senate—Committee of the Whole - Be passed—SJ 116
 02/02/2017 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 122
 02/03/2017 House—Received and Introduced—HJ 177
 02/06/2017 House—Referred to Committee on Taxation—HJ 185
 02/10/2017 House—Hearing: Monday, February 13, 2017, 03:30 PM Room 346-S
- S 29** Bill by Assessment and Taxation
Allowing property tax exemption of certain federal property and property acquired by a land bank without an order of the board of tax appeals.
 01/13/2017 Senate—Introduced—SJ 42
 01/17/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 44
 01/18/2017 Senate—Hearing: Wednesday, January 18, 2017, 09:30 AM Room 548-S
 02/08/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 146
- S 30** Bill by Assessment and Taxation
Concerning taxation; income tax, determination of Kansas adjusted gross income, modifications, rates, itemized deductions and credits; sales and compensating use tax, collection and distribution thereof, STAR bonds.
 01/13/2017 Senate—Introduced—SJ 42
 01/17/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 44
 01/18/2017 Senate—Hearing: Thursday, January 19, 2017, 09:00 AM Room 548-S
 01/26/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 77
 01/31/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 110
 02/01/2017 Senate—Committee of the Whole - Be passed—SJ 116
 02/02/2017 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 122
 02/03/2017 House—Received and Introduced—HJ 177
 02/06/2017 House—Referred to Committee on Taxation—HJ 185
 02/10/2017 House—Hearing: Monday, February 13, 2017, 03:30 PM Room 346-S
 02/15/2017 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 244
 02/21/2017 House—Committee of the Whole - Be passed as amended—HJ 308
 02/22/2017 House—Final Action - Passed as amended; Yea: 123 Nay: 2—HJ 313
 02/23/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Tyson, Senator Kerschen and Senator Holland as conferees—SJ 207
 02/23/2017 House—Motion to accede adopted; Representative Johnson, Representative Phillips and Representative Sawyer appointed as conferees—HJ 356
 05/22/2017 House—Representative Ward is appointed to replace Representative Sawyer on the Conference Committee—HJ 1007

- 05/22/2017 House—Conference Committee Report not adopted; Yea: 53 Nay: 68—HJ 1008
- 05/22/2017 House—Motion to Reconsider Adopted—HJ 1023
- 05/22/2017 House—Conference Committee Report not adopted; Representative Johnson, Representative Phillips and Representative Sawyer appointed as second conferees—HJ 1023
- 05/23/2017 Senate—Motion to accede adopted; Senator Tyson, Senator Kerschen and Senator Holland appointed as second conferees—SJ 733
- 05/24/2017 House—Representative Ward is appointed to replace Representative Sawyer on the Conference Committee—HJ 1029
- 05/30/2017 House—Representative Sawyer is appointed to replace Representative Ward on the Conference Committee—HJ 1056
- 06/05/2017 House—Conference Committee Report was adopted; Yea: 69 Nay: 52—HJ 1383
- 06/05/2017 Senate—Conference Committee Report was adopted; Yea: 26 Nay: 14—SJ 965
- 06/06/2017 Senate—Enrolled and presented to Governor on Tuesday, June 06, 2017—SJ 1012
- 06/06/2017 Senate—Vetoed by Governor; Returned to Senate on Tuesday, June 06, 2017—SJ 1010
- 06/06/2017 Senate—Motion to override veto prevailed; Yea: 27 Nay: 13—SJ 1011
- 06/06/2017 House—Motion to override veto prevailed; Yea: 88 Nay: 31—HJ 1430
- S 31** Bill by Ethics, Elections and Local Government
Rehabilitation of abandoned property by cities.
 01/17/2017 Senate—Introduced—SJ 43
 01/18/2017 Senate—Hearing: Thursday, January 26, 2017, 09:30 AM Room 159-S
 01/18/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 53
 01/26/2017 Senate—Hearing continuation: Thursday, February 02, 2017, 09:30 AM Room 142-S
 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 170
 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214
 03/22/2017 Senate—Committee of the Whole - Motion by Senator Olson to rerefer to Committee on Ethics, Elections and Local Government passed—SJ 303
- S 32** Bill by Public Health and Welfare
State psychiatric hospital privatization prohibition amendments and medical student loan agreements for psychiatry.
 01/17/2017 Senate—Introduced—SJ 43
 01/18/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 53
 01/31/2017 Senate—Hearing: Thursday, January 19, 2017, 09:30 AM Room 118-N
 02/06/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 132
 02/21/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 186
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 193
 02/22/2017 House—Received and Introduced

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 02/23/2017 House—Referred to Committee on Health and Human Services—HJ 336
- 02/23/2017 House—Hearing: Thursday, March 09, 2017, 01:30 PM Room 546-S
- 03/10/2017 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 379
- 03/15/2017 House—Committee of the Whole - Be passed as amended—HJ 421
- 03/16/2017 House—Final Action - Passed as amended; Yea: 120 Nay: 5—HJ 447
- 03/16/2017 Senate—Concurred with amendments; Yea: 38 Nay: 2—SJ 285
- 03/24/2017 Senate—Enrolled and presented to Governor on Friday, March 24, 2017—SJ 348
- 03/29/2017 Senate—Approved by Governor on Wednesday, March 29, 2017—SJ 395
- S 33** Bill by Public Health and Welfare
Amending membership on the KanCare oversight committee.
 01/17/2017 Senate—Introduced—SJ 43
 01/18/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 53
 01/31/2017 Senate—Hearing: Thursday, January 19, 2017, 9:30 AM Room 118-N
 01/26/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 77
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Public Health and Welfare—SJ 298
- S 34** Bill by Assessment and Taxation
Concerning states eligible for foreign state debt setoff agreements and expanding the states eligible to any state or territory that has entered into a reciprocal agreement.
 01/18/2017 Senate—Introduced—SJ 52
 01/19/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 57
 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 09:30 AM Room 548-S
- S 35** Bill by Transportation
Operation of transit buses on certain right shoulders in Wyandotte county.
 01/18/2017 Senate—Introduced—SJ 53
 01/19/2017 Senate—Referred to Committee on Transportation—SJ 57
 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 08:30 AM Room 546-S
 02/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 141
 03/21/2017 Senate—Motion to strike from Calendar adopted;—SJ 297
- S 36** Bill by Transportation
Concerning definitions and regulations relating to motor carriers.
 01/18/2017 Senate—Introduced—SJ 53
 01/19/2017 Senate—Referred to Committee on Transportation—SJ 57
 01/19/2017 Senate—Hearing: Wednesday, January 25, 2017, 08:30 AM Room 546-S
 02/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 141
 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 193
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Transportation—HJ 336
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 01:30 PM Room 582-N

- 03/16/2017 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 457
- 03/24/2017 House—Committee of the Whole - Be passed—HJ 517
- 03/27/2017 House—Final Action - Passed; Yea: 119 Nay: 3—HJ 529
- 04/03/2017 Senate—Enrolled and presented to Governor on Friday, March 31, 2017—SJ 432
- S 37** 04/06/2017 Senate—Approved by Governor on Wednesday, April 5, 2017—SJ 488
Bill by Ethics, Elections and Local Government
Elections; voting procedures where proof of citizenship not provided.
01/18/2017 Senate—Introduced—SJ 53
01/19/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 57
- S 38** 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 09:30 AM Room 142-S
Bill by Ways and Means
Establishing the KanCare bridge to a healthy Kansas program.
01/18/2017 Senate—Introduced—SJ 53
01/19/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 57
- S 39** Bill by Assessment and Taxation
Permitted use of tax information in certain tax actions and proceedings; tax liens upon personal property; tax warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax.
01/18/2017 Senate—Introduced—SJ 53
01/19/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 57
01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 09:30 AM Room 548-S
- S 40** Bill by Judiciary
House Substitute for SB 40 by Committee on Judiciary - Amending human trafficking and related crimes; creating certain new crimes; requiring training for commercial driver's license applicants; addressing offender registration, expungement of juvenile adjudications and victim compensation.
01/19/2017 Senate—Introduced—SJ 56
01/20/2017 Senate—Referred to Committee on Judiciary—SJ 59
01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 10:30 AM Room 346-S
02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 180
02/23/2017 Senate—Committee of the Whole - Be passed as amended—SJ 207
02/23/2017 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 208
02/23/2017 House—Received and Introduced—HJ 349
03/06/2017 House—Referred to Committee on Judiciary—HJ 359
03/06/2017 House—Hearing: Wednesday, March 08, 2017, 03:30 PM Room 112-N
03/23/2017 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 505
03/28/2017 House—Committee of the Whole - Substitute bill be passed—HJ 543
03/29/2017 House—Final Action - Substitute passed; Yea: 125 Nay: 0—HJ 550
03/29/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 378

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 03/30/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 566
- 05/08/2017 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—HJ 823
- 05/11/2017 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 656
- 05/19/2017 Senate—Enrolled and presented to Governor on Friday, May 19, 2017—SJ 727
- S 41** 05/25/2017 Senate—Approved by Governor on Wednesday, May 24, 2017—SJ 754
 Bill by Judiciary
Creating the crimes of assault of a public transportation employee and battery against a public transportation employee.
- 01/19/2017 Senate—Introduced—SJ 56
- 01/20/2017 Senate—Referred to Committee on Judiciary—SJ 59
- 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 10:30 AM Room 346-S
- 02/01/2017 Senate—Hearing: Wednesday, February 01, 2017, 10:30 AM Room 346-S
- 02/15/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 163
- 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 298
- S 42** Bill by Judiciary
House Substitute for SB 42 by Committee on Corrections and Juvenile Justice - Making updates to the revised juvenile justice code.
- 01/19/2017 Senate—Introduced—SJ 56
- 01/20/2017 Senate—Referred to Committee on Judiciary—SJ 59
- 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 346-S
- 02/13/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 154
- 02/22/2017 Senate—Committee of the Whole - Be passed—SJ 200
- 02/23/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 203
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Corrections and Juvenile Justice—HJ 359
- 03/08/2017 House—Hearing: Monday, March 13, 2017, 01:30 PM Room 152-S
- 03/14/2017 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 391
- 03/15/2017 House—Committee of the Whole - Substitute bill be passed—HJ 421
- 03/16/2017 House—Final Action - Substitute passed; Yea: 125 Nay: 0—HJ 448
- 03/16/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 285
- 03/17/2017 House—Motion to accede adopted; Representative Jennings, Representative Whitmer and Representative Highberger appointed as conferees—HJ 460
- 05/03/2017 House—Conference Committee Report was adopted; Yea: 120 Nay: 4—HJ 759

- 05/08/2017 Senate—Conference Committee Report not adopted; Senator Wilborn, Senator Lynn and Senator Haley appointed as second conferees—SJ 621
- 05/08/2017 House—Motion to accede adopted; Representative Jennings, Representative Whitmer and Representative Highberger appointed as second conferees—HJ 822
- 05/12/2017 House—Conference Committee Report was adopted; Yea: 118 Nay: 3—HJ 880
- 05/30/2017 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 760
- 06/02/2017 Senate—Enrolled and presented to Governor on Friday, June 02, 2017—SJ 826
- 06/09/2017 Senate—Approved by Governor on Friday, June 9, 2017
- S 43** Bill by Ethics, Elections and Local Government
Vacancy elections; United States representative to congress; clarifications.
- 01/19/2017 Senate—Introduced—SJ 57
- 01/20/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 59
- 01/20/2017 Senate—Hearing: Tuesday, January 24, 2017, 09:30 AM Room 159-S
- 01/25/2017 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 73
- 02/01/2017 Senate—Committee of the Whole - Be passed—SJ 116
- 02/02/2017 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 123
- 02/03/2017 House—Received and Introduced—HJ 177
- 02/06/2017 House—Referred to Committee on Elections—HJ 185
- 02/22/2017 House—Hearing: Monday, March 06, 2017, 01:30 PM Room 281-N
- 03/07/2017 House—Committee Report recommending bill be passed by Committee on Elections—HJ 365
- 03/08/2017 House—Committee of the Whole - Be passed—HJ 368
- 03/09/2017 House—Final Action - Passed; Yea: 120 Nay: 0—HJ 375
- 03/13/2017 Senate—Enrolled and presented to Governor on Monday, March 13, 2017—SJ 240
- 03/21/2017 Senate—Approved by Governor on Monday, March 20, 2017—SJ 298
- S 44** Bill by Ways and Means
Including volunteer members of regional search and rescue teams within workers compensation coverage under the state workers compensation self-insurance fund.
- 01/19/2017 Senate—Introduced—SJ 57
- 01/20/2017 Senate—Referred to Committee on Commerce—SJ 59
- S 45** Bill by Transportation
Designating a portion of United States highway No. 40 as John Carlin highway.
- 01/20/2017 Senate—Introduced—SJ 58
- 01/23/2017 Senate—Referred to Committee on Transportation—SJ 62
- 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 08:30 AM Room 546-S
- 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 170
- 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
- 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214

- S 46** Bill by Agriculture and Natural Resources
Water conservation areas and remedies for the impairment of a valid water right.
 01/20/2017 Senate—Introduced—SJ 58
 01/23/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 62
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 159-S
 02/21/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 189
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 203
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Water and Environment—HJ 360
 03/07/2017 House—Withdrawn from Committee on Water and Environment; Referred to Committee on Agriculture—HJ 363
 03/08/2017 House—Hearing: Monday, March 13, 2017, 03:30 PM Room 582-N
 03/16/2017 House—Committee Report recommending bill be passed as amended by Committee on Agriculture
 03/28/2017 House—Committee of the Whole - Be passed as amended—HJ 544
 03/29/2017 House—Final Action - Passed as amended; Yea: 105 Nay: 20—HJ 551
 03/29/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Estes and Senator Francisco as conferees—SJ 378
 03/30/2017 House—Motion to accede adopted; Representative Hoffman, Representative Thompson and Representative Carlin appointed as conferees—HJ 566
 04/06/2017 House—Conference Committee Report was adopted; Yea: 114 Nay: 10—HJ 628
 04/07/2017 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 501
 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
 05/01/2017 Senate—Approved by Governor on Tuesday, April 18, 2017—SJ 507
- S 47** Bill by Agriculture and Natural Resources
Amending the Kansas pet animal act.
 01/20/2017 Senate—Introduced—SJ 58
 01/23/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 62
 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 08:30 AM Room 159-S
 02/17/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 174
 02/23/2017 Senate—Committee of the Whole - Be passed as amended—SJ 207
 02/23/2017 Senate—Emergency Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 208
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Agriculture—HJ 359
 03/14/2017 House—Hearing: Thursday, March 16, 2017, 03:30 PM Room 582-N
 03/22/2017 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 496
 03/30/2017 House—Stricken from Calendar by Rule 1507—HJ 575

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- S 48** Bill by Agriculture and Natural Resources
Remedies for the impairment of a valid water right or permit to divert and use water.
 01/20/2017 Senate—Introduced—SJ 58
 01/23/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 62
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 159-S
 02/13/2017 Senate—Hearing: Wednesday, February 15, 2017, 08:30 AM Room 159-S
 02/21/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 189
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 203
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Water and Environment—HJ 360
 03/07/2017 House—Withdrawn from Committee on Water and Environment; Referred to Committee on Agriculture—HJ 363
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 03:30 PM Room 582-N
 03/23/2017 House—Withdrawn from Committee on Agriculture; Referred to Committee on Appropriations—HJ 501
 03/29/2017 House—Withdrawn from Committee on Appropriations; Referred to Committee on K-12 Education Budget—HJ 560
- S 49** Bill by Senator Faust-Goudeau
Elections; registration; election day registration.
 01/20/2017 Senate—Introduced—SJ 58
 01/23/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 62
- S 50** Bill by Judiciary
Creating an unconscionable act or practice under the Kansas consumer protection act for people who engage in the unauthorized practice of law; changing the membership of the advisory committee on uniform state laws and the joint committee on special claims against the state.
 01/20/2017 Senate—Introduced—SJ 58
 01/23/2017 Senate—Referred to Committee on Judiciary—SJ 62
 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 10:30 AM Room 346-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 180
 02/21/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 187
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 193
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Judiciary—HJ 336
 02/23/2017 House—Hearing: Tuesday, March 07, 2017, 03:30 PM Room 112-N
 03/24/2017 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 519
 03/28/2017 House—Committee of the Whole - Be passed as amended—HJ 543
 03/29/2017 House—Final Action - Passed as amended; Yea: 124 Nay: 1—HJ 551
 03/29/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 378

- 03/30/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 566
- 04/07/2017 Senate—Concurred with amendments in conference; Yea: 38 Nay: 0—SJ 503
- 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
- 05/01/2017 Senate—Approved by Governor on Tuesday, April 18, 2017—SJ 507
- S 51** Bill by Public Health and Welfare
House Substitute for SB 51 by Committee on Health and Human Services - Scheduling of controlled substance analog, controlled substances and new drugs.
- 01/20/2017 Senate—Introduced—SJ 58
- 01/23/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 62
- 01/24/2017 Senate—Hearing: Tuesday, January 24, 2017, 09:30 AM Room 118-N
- 02/02/2017 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 125
- 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
- 02/22/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 193
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Health and Human Services—HJ 336
- 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 01:30 PM Room 546-S
- 03/14/2017 House—Committee Report recommending substitute bill be passed by Committee on Health and Human Services—HJ 413
- 03/21/2017 House—Committee of the Whole - Substitute bill be passed as amended—HJ 479
- 03/22/2017 House—Final Action - Substitute passed as amended; Yea: 117 Nay: 6—HJ 490
- 03/22/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator V. Schmidt, Senator Bollier and Senator Kelly as conferees—SJ 304
- 03/23/2017 House—Motion to accede adopted; Representative Hawkins, Representative Concannon and Representative Wilson appointed as conferees—HJ 501
- 04/05/2017 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 473
- 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
- 05/01/2017 Senate—Approved by Governor on Friday, April 21, 2017—SJ 507
- S 52** Bill by Public Health and Welfare
House Substitute for SB 52 by Committee on Health and Human Services - Filling and refilling prescriptions.
- 01/20/2017 Senate—Introduced—SJ 58
- 01/23/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 62
- 01/24/2017 Senate—Hearing: Tuesday, January 24, 2017, 09:30 AM Room 118-N
- 02/02/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 125
- 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
- 02/22/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 194

- 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Health and Human Services—HJ 336
 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 01:30 PM Room 546-S
 03/22/2017 House—Committee Report recommending substitute bill be passed by Committee on Health and Human Services—HJ 497
 03/29/2017 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 560
- S 53** Bill by Federal and State Affairs
Substitute for SB 53 by Committee on Federal and State Affairs - Amending the personal and family protection act.
 01/23/2017 Senate—Introduced—SJ 60
 01/24/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 70
 01/25/2017 Senate—Hearing: Thursday, January 26, 2017, 10:30 AM Room 144-S
 03/28/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 368
- S 54** Bill by Assessment and Taxation
Electronic cigarettes; definitions; enforcement of tax collections.
 01/23/2017 Senate—Introduced—SJ 60
 01/24/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 70
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 548-S
- S 55** Bill by Federal and State Affairs
Public construction contracts and performance and payment bonds.
 01/23/2017 Senate—Introduced—SJ 60
 01/24/2017 Senate—Referred to Committee on Commerce—SJ 70
 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 08:30 AM Room 548-S
 02/14/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 157
 03/15/2017 Senate—Motion challenging the ruling of the Rules Committee. Decision over-ruled. Yea: 16 Nay: 24—SJ 249
 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 286
 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 467
 03/20/2017 House—Hearing: Wednesday, March 22, 2017, 01:30 PM Room 112-N
 03/24/2017 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 518
 03/29/2017 House—Committee of the Whole - Be passed—HJ 556
 03/30/2017 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 569
 04/04/2017 Senate—Enrolled and presented to Governor on Tuesday, April 04, 2017—SJ 469
 05/01/2017 Senate—Approved by Governor on Friday, April 7, 2017—SJ 507
- S 56** Bill by Ethics, Elections and Local Government
Streamlining filing requirements for reports of campaign contributions immediately preceding an election.
 01/23/2017 Senate—Introduced—SJ 60
 01/24/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 70

- 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 142-S
- 02/08/2017 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 146
- 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
- 02/22/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 194
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Elections—HJ 336
- S 57** 03/07/2017 House—Hearing: Monday, March 13, 2017, 01:30 PM Room 281-N
 Bill by Ethics, Elections and Local Government
Easing communications with political campaign officers and party committees through requiring email addresses in reports to secretary of state.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 70
- 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 142-S
- 02/08/2017 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 146
- 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 200
- 02/23/2017 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 203
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Elections—HJ 359
- S 58** 03/07/2017 House—Hearing: Monday, March 13, 2017, 01:30 PM Room 281-N
 Bill by Ethics, Elections and Local Government
Facilitating the identification of the sponsors of internet political campaign advertisements.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 70
- 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 142-S
- S 59** Bill by Agriculture and Natural Resources
Updating provisions relating to weights and measures.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 70
- 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 08:30 AM Room 159-S
- 02/14/2017 Senate—Hearing: Thursday, February 16, 2017, 08:30 AM Room 159-S
- S 60** Bill by Agriculture and Natural Resources
House Substitute for SB 60 by Committee on Agriculture - Extending the sunset of certain department of agriculture fees and allowing the secretary of agriculture to charge and collect a paper document processing fee.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 70
- 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 08:30 AM Room 159-S

- 02/17/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 176
- 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
- 02/22/2017 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 194
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Agriculture—HJ 336
- 03/06/2017 House—Hearing: Wednesday, March 08, 2017, 03:30 PM Room 582-N
- 03/13/2017 House—Committee Report recommending substitute bill be passed by Committee on Agriculture—HJ 382
- 03/17/2017 House—Committee of the Whole - Substitute bill be passed—HJ 463
- 03/20/2017 House—Final Action - Substitute passed; Yea: 94 Nay: 24—HJ 469
- 03/20/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Estes and Senator Francisco as conferees—SJ 296
- 03/21/2017 House—Motion to accede adopted; Representative Hoffman, Representative Thompson and Representative Carlin appointed as conferees—HJ 474
- 05/04/2017 House—Conference Committee Report agree to disagree, not adopted—HJ 795
- 05/18/2017 House—Conference Committee Report was adopted; Yea: 107 Nay: 11—HJ 981
- 05/23/2017 Senate—Conference Committee Report was adopted; Yea: 32 Nay: 7—SJ 744
- 05/30/2017 Senate—Enrolled and presented to Governor on Tuesday, May 30, 2017—SJ 802
- 06/08/2017 Senate—Approved by Governor on Wednesday, June 7, 2017—SJ 1016
- S 61** Bill by Agriculture and Natural Resources
Relating to fees for dairy businesses and the processing of paper documents by the Kansas secretary of agriculture.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 70
- 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 08:30 AM Room 159-S
- 02/21/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 189
- 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
- 02/23/2017 Senate—Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 204
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Agriculture—HJ 359
- 03/06/2017 House—Hearing: Wednesday, March 08, 2017, 03:30 PM Room 582-N
- 03/23/2017 House—Withdrawn from Committee on Agriculture; Referred to Committee on Appropriations—HJ 501
- S 62** Bill by Judiciary
Amending citizen grand jury petition sufficiency and right to appeal.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Judiciary—SJ 70
- 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 346-S
- 02/15/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 164
- 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197

02/23/2017 Senate—Final Action - Not passed; Yea: 19 Nay: 21—SJ 204
 02/23/2017 Senate—Motion to Reconsider Adopted—SJ 210
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 22 Nay: 17—SJ 210
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/06/2017 House—Hearing: Thursday, March 09, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to
 Committee on Appropriations—HJ 560

S 63

Bill by Judiciary

Enacting the revised uniform fiduciary access to digital assets act.

01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Judiciary—SJ 70
 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 10:30 AM Room 346-S
 02/15/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 164
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 204
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/06/2017 House—Hearing: Thursday, March 09, 2017, 03:30 PM Room 112-N
 03/22/2017 House—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Judiciary—HJ 497
 03/27/2017 House—Final Action - Passed; Yea: 120 Nay: 0—HJ 527
 04/03/2017 Senate—Enrolled and presented to Governor on Friday, March 31, 2017
 —SJ 432
 04/06/2017 Senate—Approved by Governor on Tuesday, April 4, 2017—SJ 488

S 64

Bill by Senators Faust-Goudeau, Haley

Providing for fair consideration for employment to persons with records of conviction.

01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Commerce—SJ 70

S 65

Bill by Financial Institutions and Insurance

Allowing creditor sale of repossessed alcoholic liquors pledged as collateral for satisfaction of debt.

01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Financial Institutions and Insurance
 —SJ 70
 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 09:30 AM Room 546-S
 02/02/2017 Senate—Committee Report recommending bill be passed by Committee
 on Financial Institutions and Insurance—SJ 124
 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
 02/22/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 194
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Financial Institutions and Pensions
 —HJ 336
 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
 03/14/2017 House—Committee Report recommending bill be passed as amended
 by Committee on Financial Institutions and Pensions—HJ 413
 03/17/2017 House—Committee of the Whole - Be passed as amended—HJ 463
 03/20/2017 House—Final Action - Passed as amended; Yea: 118 Nay: 0—HJ 470

- 03/20/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 296
- 03/21/2017 House—Motion to accede adopted; Representative Kelly, Representative Powell and Representative Finney appointed as conferees—HJ 474
- 04/05/2017 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 473
- 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
- S 66** 05/01/2017 Senate—Approved by Governor on Tuesday, April 18, 2017—SJ 507
Bill by Financial Institutions and Insurance
Mid-term appointments of state bank board members.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 70
- 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 546-S
- 02/02/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 124
- 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
- 02/22/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 195
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 336
- 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
- 03/14/2017 House—Committee Report recommending bill be passed by Committee on Financial Institutions and Pensions—HJ 391
- 03/17/2017 House—Committee of the Whole - Be passed—HJ 463
- 03/20/2017 House—Final Action - Passed; Yea: 117 Nay: 1—HJ 470
- 03/24/2017 Senate—Enrolled and presented to Governor on Friday, March 24, 2017—SJ 348
- S 67** 03/29/2017 Senate—Approved by Governor on Tuesday, March 28, 2017—SJ 395
Bill by Financial Institutions and Insurance
Granting state-chartered banks the power to purchase certain tax credits.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 70
- 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 09:30 AM Room 546-S
- 02/02/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 124
- 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
- 02/22/2017 Senate—Final Action - Passed; Yea: 38 Nay: 2—SJ 195
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 336
- 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
- S 68** Bill by Public Health and Welfare
Enacting the Kansas lay caregiver act.
- 01/23/2017 Senate—Introduced—SJ 61

- 01/24/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 70
 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 118-N
 01/31/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 118-N
 02/21/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 190
 02/23/2017 Senate—Committee of the Whole - Be passed as amended—SJ 207
 02/23/2017 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 209
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Health and Human Services—HJ 359
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 01:30 PM Room 546-S
 03/15/2017 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 422
 03/22/2017 House—Committee of the Whole - Be passed—HJ 496
 03/23/2017 House—Final Action - Passed; Yea: 125 Nay: 0—HJ 503
 03/27/2017 Senate—Enrolled and presented to Governor on Monday, March 27, 2017—SJ 356
 03/29/2017 Senate—Approved by Governor on Tuesday, March 28, 2017—SJ 395
- S 69** Bill by Public Health and Welfare
Substitute for SB 69 by Committee on Public Health and Welfare - KanCare process and contract requirements.
 01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 70
 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 09:30 AM Room 118-N
 01/31/2017 Senate—Hearing continuation: Thursday, February 02, 2017, 09:30 AM Room 118-N
 02/02/2017 Senate—Hearing continuation: Wednesday, February 08, 2017, 09:30 AM Room 118-N
 02/21/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 190
 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214
 03/22/2017 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 303
 03/23/2017 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 312
 03/24/2017 House—Received and Introduced—HJ 514
 03/27/2017 House—Referred to Committee on Health and Human Services—HJ 526
- S 70** Bill by Senators Francisco, Baumgardner
House Substitute for SB 70 by Committee on Federal and State Affairs - Amendments to the Kansas amusement ride act.
 01/24/2017 Senate—Introduced—SJ 64
 01/25/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 73
 01/27/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 144-S

- 02/08/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 146
- 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 272
- 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 286
- 03/17/2017 House—Received and Introduced—HJ 460
- 03/20/2017 House—Referred to Committee on Federal and State Affairs—HJ 467
- 03/24/2017 House—Hearing: Tuesday, March 28, 2017, 08:00 AM Room 346-S
- 03/29/2017 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 558
- 03/30/2017 House—Committee of the Whole - Substitute bill be passed as amended—HJ 572
- 04/03/2017 House—Final Action - Substitute passed as amended; Yea: 124 Nay: 1—HJ 584
- 04/05/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator LaTurner, Senator Estes and Senator Faust-Goudeau as conferees—SJ 472
- 04/05/2017 House—Motion to accede adopted; Representative Barker, Representative Highland and Representative Ruiz appointed as conferees—HJ 613
- 04/07/2017 Senate—Concurred with amendments in conference; Yea: 35 Nay: 2—SJ 504
- 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
- 05/01/2017 Senate—Approved by Governor on Monday, April 24, 2017—SJ 507
- S 71 Bill by Judiciary
Clarifying how to enforce an order for support against a person's workers compensation benefits.
- 01/24/2017 Senate—Introduced—SJ 64
- 01/25/2017 Senate—Referred to Committee on Commerce—SJ 73
- S 72 Bill by Judiciary
Reporting and investigating abuse, neglect and exploitation of vulnerable adults.
- 01/24/2017 Senate—Introduced—SJ 64
- 01/25/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 73
- 02/01/2017 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Judiciary—SJ 115
- 02/07/2017 Senate—Hearing: Thursday, February 16, 2017, 10:30 AM Room 346-S
- S 73 Bill by Judiciary
Enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions.
- 01/24/2017 Senate—Introduced—SJ 64
- 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 346-S
- 01/25/2017 Senate—Referred to Committee on Judiciary—SJ 73
- 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 346-S
- 02/08/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 146
- 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 298

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- S 74** Bill by Senator Billinger
Substitute for SB 74 by Committee on Transportation – Providing for a placard, license plate decal and identification card for persons needing assistance with cognition; also providing for a notation on state-issued drivers’ licenses and identification cards.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Transportation—SJ 73
 02/07/2017 Senate—Hearing: Wednesday, February 15, 2017, 08:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Transportation—SJ 182
 02/21/2017 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 186
 02/22/2017 Senate—Final Action - Substitute passed as amended; Yea: 28 Nay: 11—SJ 195
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Transportation—HJ 336
 03/24/2017 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 524
 03/28/2017 House—Committee of the Whole - Be passed—HJ 544
 03/29/2017 House—Final Action - Passed; Yea: 125 Nay: 0—HJ 552
 04/03/2017 Senate—Enrolled and presented to Governor on Friday, March 31, 2017—SJ 432
 05/01/2017 Senate—Approved by Governor on Friday, April 7, 2017—SJ 507
- S 75** Bill by Education
Adding an additional member to the board of trustees of Cowley county community college.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Education—SJ 73
 02/01/2017 Senate—Hearing: Wednesday, February 01, 2017, 01:30 PM Room 144-S
 02/07/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—SJ 141
 02/10/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 151
 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 186
 02/22/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 196
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Education—HJ 336
 03/29/2017 House—Withdrawn from Committee on Education; Referred to Committee on Appropriations—HJ 560
- S 76** Bill by Federal and State Affairs
Professional occupations; restrictions on fees and licensing requirements.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 73
 01/27/2017 Senate—Hearing: Wednesday, February 01, 2017, 10:30 AM Room 144-S
 03/27/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 355

- S 77** Bill by Federal and State Affairs
Wildlife, parks and tourism and the Bob Grant bison herd.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 73
 01/27/2017 Senate—Hearing: Tuesday, January 31, 2017, 10:30 AM Room 144-S
 01/31/2017 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Federal and State Affairs—SJ 111
 02/10/2017 Senate—Withdrawn from Consent Calendar and placed on General
 Orders—SJ 151
- S 78** Bill by Ethics, Elections and Local Government
**Elections; voting place changes; written notice to affected voters; emergency
 exception.**
 01/25/2017 Senate—Introduced—SJ 72
 01/26/2017 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 76
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 09:30 AM Room
 142-S
 02/16/2017 Senate—Committee Report recommending bill be passed by Committee
 on Ethics, Elections and Local Government—SJ 169
 02/23/2017 Senate—Committee of the Whole - Be passed—SJ 207
 02/23/2017 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 209
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Elections—HJ 359
 03/07/2017 House—Hearing: Wednesday, March 15, 2017, 01:30 PM Room 281-N
 03/21/2017 House—Committee Report recommending bill be passed as amended
 by Committee on Elections—HJ 487
 03/30/2017 House—Stricken from Calendar by Rule 1507—HJ 575
- S 79** Bill by Ethics, Elections and Local Government
Elections; voter identification; affidavit in lieu of photo identification.
 01/25/2017 Senate—Introduced—SJ 72
 01/26/2017 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 76
- S 80** Bill by Ethics, Elections and Local Government
Campaign finance reports and statements; new acknowledgment.
 01/25/2017 Senate—Introduced—SJ 72
 01/26/2017 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 76
- S 81** Bill by Ethics, Elections and Local Government
Campaign finance; certain exemptions from filing reports.
 01/25/2017 Senate—Introduced—SJ 72
 01/26/2017 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 76
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 142-S
 02/16/2017 Senate—Committee Report recommending bill be passed by Committee
 on Ethics, Elections and Local Government—SJ 169
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Ethics,
 Elections and Local Government—SJ 298
- S 82** Bill by Public Health and Welfare
Establishing restrictions on health insurance use of step therapy protocols.
 01/25/2017 Senate—Introduced—SJ 72

- 01/26/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 76
 02/08/2017 Senate—Hearing: Monday, February 13, 2017, 09:30 AM Room 118-N
S 83 Bill by Federal and State Affairs
Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
 01/25/2017 Senate—Introduced—SJ 73
 01/26/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 76
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 144-S
 02/08/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 146
 03/15/2017 Senate—Committee of the Whole - Be passed—SJ 249
 03/16/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 269
 03/17/2017 House—Received and Introduced
 03/20/2017 House—Referred to Committee on Federal and State Affairs—HJ 467
 03/24/2017 House—Hearing: Wednesday, March 29, 2017, 08:00 AM Room 346-S
 03/29/2017 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 558
 04/03/2017 House—Committee of the Whole - Be passed as amended—HJ 586
 04/04/2017 House—Final Action - Passed as amended; Yea: 125 Nay: 0—HJ 597
 04/05/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator LaTurner, Senator Estes and Senator Faust-Goudeau as conferees—SJ 472
 04/05/2017 House—Motion to accede adopted; Representative Barker, Representative Highland and Representative Ruiz appointed as conferees—HJ 613
 05/12/2017 Senate—Senator Estes is appointed to replace Senator LaTurner on the Conference Committee—SJ 699
 05/12/2017 Senate—Senator Olson is appointed to replace Senator Estes on the Conference Committee—SJ 699
 05/23/2017 House—Conference Committee Report agree to disagree adopted; Representative Barker, Representative Highland and Representative Ruiz appointed as second conferees—HJ 1025
 05/23/2017 Senate—Conference Committee Report agree to disagree adopted; Senator Estes, Senator Olson and Senator Faust-Goudeau appointed as second conferees—SJ 747
 05/25/2017 House—Conference Committee Report was adopted; Yea: 84 Nay: 38—HJ 1046
 05/30/2017 Senate—Substitute motion to not adopt and appoint a conference committee failed Yea: 16 Nay: 23—SJ 761
 05/30/2017 Senate—Conference Committee Report was adopted; Yea: 25 Nay: 15—SJ 761
 05/31/2017 Senate—Enrolled and presented to Governor on Wednesday, May 31, 2017—SJ 810
S 84 06/08/2017 Senate—Approved by Governor on Wednesday, June 7, 2017—SJ 1016
 Bill by Federal and State Affairs
Highway patrol; when certain appointments terminated; return to rank.
 01/25/2017 Senate—Introduced—SJ 73
 01/26/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 76
 01/27/2017 Senate—Hearing: Tuesday, January 31, 2017, 10:30 AM Room 144-S

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 01/31/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 111
- S 85** Bill by Federal and State Affairs
Healthcare and information requirements concerning the withholding of cardio-pulmonary resuscitation from minors.
 01/25/2017 Senate—Introduced—SJ 73
 01/26/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 76
 02/13/2017 Senate—Hearing: Thursday, February 16, 2017, 10:30 AM Room 144-S
 03/08/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 224
 03/16/2017 Senate—Committee of the Whole - Substitute bill be passed—SJ 285
 03/16/2017 Senate—Emergency Final Action - Passed; Yea: 29 Nay: 9—SJ 286
 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Federal and State Affairs—HJ 467
 03/27/2017 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 531
 03/29/2017 House—Committee of the Whole - Be passed—HJ 554
 03/30/2017 House—Final Action - Passed; Yea: 121 Nay: 3—HJ 570
 04/04/2017 Senate—Enrolled and presented to Governor on Tuesday, April 04, 2017—SJ 469
 05/01/2017 Senate—Approved by Governor on Friday, April 7, 2017—SJ 507
- S 86** Bill by Federal and State Affairs
House Substitute for SB 86 by Committee on Federal and State Affairs - Amendments to the Kansas amusement ride act.
 01/25/2017 Senate—Introduced—SJ 73
 01/26/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 76
 01/27/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 144-S
 02/15/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 162
 03/29/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 383
 03/30/2017 Senate—Final Action - Passed as amended; Yea: 30 Nay: 9—SJ 398
 04/03/2017 House—Received and Introduced—HJ 578
 04/04/2017 House—Referred to Committee on Federal and State Affairs—HJ 595
 04/04/2017 House—Hearing: Thursday, April 06, 2017, 08:00 AM Room 346-S
 05/12/2017 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 947
 06/08/2017 House—Committee of the Whole - Substitute bill be passed as amended—HJ 1439
 06/08/2017 House—Emergency Final Action - Substitute passed as amended; Yea: 107 Nay: 14—HJ 1447
 06/09/2017 Senate—Concurred with amendments; Yea: 33 Nay: 6—SJ 1054
 06/26/2017 Senate—Enrolled and presented to Governor on Thursday, June 15, 2017
 06/26/2017 Senate—Approved by Governor on Friday, June 23, 2017
- S 87** Bill by Financial Institutions and Insurance
Amending the Kansas credit services organization act.
 01/25/2017 Senate—Introduced—SJ 73
 01/26/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 546-S

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 01/26/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 76
- 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 170
- 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
- 02/22/2017 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 196
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 336
- 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
- S 88** Bill by Transportation
Repossessed certificates of title fees; repealing the repossessed certificates of title fee fund.
- 01/26/2017 Senate—Introduced—SJ 75
- 01/27/2017 Senate—Referred to Committee on Transportation—SJ 78
- 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 546-S
- 02/20/2017 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 182
- 02/22/2017 Senate—Committee of the Whole - Be passed—SJ 197
- 02/23/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 204
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Transportation—HJ 360
- 03/13/2017 House—Hearing: Thursday, March 16, 2017, 01:30 PM Room 582-N
- S 89** Bill by Transportation
Repossessed certificates of title fees, repealing the repossessed certificates of title fee fund; creating the seat belt safety fund and increasing the fine for adult seat belt violations.
- 01/26/2017 Senate—Introduced—SJ 75
- 01/27/2017 Senate—Referred to Committee on Transportation—SJ 78
- 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 546-S
- 02/20/2017 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 182
- 02/22/2017 Senate—Committee of the Whole - Be passed—SJ 197
- 02/23/2017 Senate—Final Action - Passed; Yea: 34 Nay: 6—SJ 205
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Transportation—HJ 360
- 03/13/2017 House—Hearing: Thursday, March 16, 2017, 01:30 PM Room 582-N
- 03/22/2017 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 497
- 03/28/2017 House—Committee of the Whole - Be passed as amended—HJ 543
- 03/29/2017 House—Final Action - Passed as amended; Yea: 110 Nay: 15—HJ 552
- 03/29/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Doll and Senator Pettey as conferees—SJ 378
- 03/30/2017 House—Motion to accede adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as conferees—HJ 566
- 04/06/2017 House—Conference Committee Report not adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as second conferees—HJ 629

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 04/06/2017 Senate—Motion to accede adopted; Senator Petersen, Senator Doll and Senator Pettey appointed as second conferees—SJ 493
- 04/07/2017 House—Conference Committee Report was adopted; Yea: 103 Nay: 19—HJ 670
- 05/05/2017 Senate—Conference Committee Report was adopted; Yea: 32 Nay: 7—SJ 614
- 05/12/2017 Senate—Enrolled and presented to Governor on Friday, May 12, 2017—SJ 699
- 05/22/2017 Senate—Approved by Governor on Monday, May 22, 2017—SJ 729
- S 90** Bill by Commerce
Workers compensation impairment determination.
 01/26/2017 Senate—Introduced—SJ 75
 01/27/2017 Senate—Referred to Committee on Commerce—SJ 78
- S 91** Bill by Financial Institutions and Insurance
Increasing the deductible for certain participants of controlled insurance programs.
 01/26/2017 Senate—Introduced—SJ 75
 01/27/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 78
 02/07/2017 Senate—Hearing: Wednesday, February 15, 2017, 09:30 AM Room 546-S
- S 92** Bill by Judiciary
Requiring electronic recording of certain custodial interrogations.
 01/26/2017 Senate—Introduced—SJ 76
 01/27/2017 Senate—Referred to Committee on Judiciary—SJ 78
 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 10:30 AM Room 346-S
 02/08/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 147
 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 196
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Judiciary—HJ 336
 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
- S 93** Bill by Judiciary
Revocation timeframe of drivers' licenses for certain offenses.
 01/26/2017 Senate—Introduced—SJ 76
 01/27/2017 Senate—Referred to Committee on Judiciary—SJ 78
 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 10:30 AM Room 346-S
 02/13/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 154
 02/22/2017 Senate—Committee of the Whole - Be passed—SJ 197
 02/23/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 205
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/08/2017 House—Hearing: Monday, March 13, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560

- S 94** Bill by Ways and Means
Increasing the health maintenance organization privilege fee and extending the medical assistance fee fund.
 01/26/2017 Senate—Introduced—SJ 76
 01/27/2017 Senate—Referred to Committee on Ways and Means—SJ 78
 02/01/2017 Senate—Hearing: Monday, February 06, 2017, 10:30 AM Room 548-S
 02/15/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 164
 03/15/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 249
 03/16/2017 Senate—Final Action - Passed as amended; Yea: 27 Nay: 13—SJ 269
 03/17/2017 House—Received and Introduced
 03/20/2017 House—Referred to Committee on Appropriations—HJ 467
- S 95** Bill by Public Health and Welfare
Substitute for Substitute for SB 95 by Committee on Public Health and Welfare - Authorizing telephonic signatures for public assistance applications.
 01/26/2017 Senate—Introduced—SJ 76
 01/27/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 78
 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 09:30 AM Room 118-N
 02/21/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 190
 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 210
 02/23/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Public Health and Welfare—SJ 212
 03/07/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 221
 03/16/2017 Senate—Committee of the Whole - Substitute bill be passed—SJ 285
 03/16/2017 Senate—Emergency Final Action - Substitute passed; Yea: 33 Nay: 7—SJ 287
 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Health and Human Services—HJ 467
 03/20/2017 House—Hearing: Tuesday, March 21, 2017, 01:30 PM Room 546-S
 03/22/2017 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 497
 04/03/2017 House—Committee of the Whole - Be passed—HJ 585
 04/04/2017 House—Final Action - Passed; Yea: 121 Nay: 4—HJ 598
 04/07/2017 Senate—Enrolled and presented to Governor on Friday, April 07, 2017—SJ 504
 05/01/2017 Senate—Approved by Governor on Wednesday, April 12, 2017—SJ 507
- S 96** Bill by Assessment and Taxation
Concerning the department of revenue; requiring people with access to federal tax information to be fingerprinted and allowing conversion of certain driver's license examiners positions from classified to unclassified.
 01/26/2017 Senate—Introduced—SJ 76
 01/27/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 78
 01/30/2017 Senate—Hearing: Tuesday, January 31, 2017, 09:30 AM Room 548-S
 03/09/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 228

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0
 —SJ 287
- 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Taxation—HJ 467
 03/22/2017 House—Hearing: Thursday, March 23, 2017, 03:30 PM Room 582-N
 03/28/2017 House—Committee Report recommending bill be passed as amended
 by Committee on Taxation—HJ 544
- 04/03/2017 House—Committee of the Whole - Be passed as amended—HJ 585
 04/04/2017 House—Final Action - Passed as amended; Yea: 123 Nay: 2—HJ 598
 04/04/2017 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Tyson, Senator Kerschen and Senator
 Holland as conferees—SJ 440
- 04/05/2017 House—Motion to accede adopted; Representative Johnson,
 Representative Phillips and Representative Sawyer appointed as conferees
 —HJ 608
- 06/09/2017 House—Conference Committee Report was adopted; Yea: 67 Nay: 48—
 HJ 1450
 06/09/2017 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 5—
 SJ 1049
- 06/26/2017 Senate—Enrolled and presented to Governor on Thursday, June 15,
 2017
 06/26/2017 Senate—Approved by Governor on Thursday, June 22, 2017
- S 97** Bill by Assessment and Taxation
**Substitute for SB 97 by Committee on Assessment and Taxation - Relating to
 taxation, income tax, rates, modifications.**
 01/26/2017 Senate—Introduced—SJ 76
 01/27/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 78
 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 09:30 AM Room 548-S
 02/08/2017 Senate—Committee Report recommending substitute bill be passed by
 Committee on Assessment and Taxation—SJ 146
 02/23/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on
 Assessment and Taxation—SJ 211
 05/09/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 632
- S 98** Bill by Senators Baumgardner, Alley, Billinger, Bowers, Estes, Fitzgerald, Goddard,
 Kerschen, LaTurner, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-
 Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn
**Regulating abortion practice; requiring certain physician information to be
 provided under the woman's-right-to-know act.**
 01/30/2017 Senate—Introduced—SJ 107
 01/31/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 110
 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 10:30 AM Room 144-S
 02/08/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 146
- S 99** Bill by Transportation
**Prohibiting the operation of a motor vehicle while using wireless
 communication device; exceptions; penalties.**
 01/30/2017 Senate—Introduced—SJ 107
 01/31/2017 Senate—Referred to Committee on Transportation—SJ 110

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 08:30 AM Room 546-S
- S 100** Bill by Senator Baumgardner
Allowing scholarships for mental health nurses in the nursing service scholarship program.
- 01/30/2017 Senate—Introduced—SJ 108
 01/31/2017 Senate—Referred to Committee on Education—SJ 110
 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 01:30 PM Room 144-S
 02/08/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 146
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 205
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Education—HJ 359
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 03:30 PM Room 546-S
 03/16/2017 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—HJ 456
 03/21/2017 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 474
 03/27/2017 House—Committee of the Whole - Be passed—HJ 530
 03/28/2017 House—Final Action - Passed; Yea: 118 Nay: 5—HJ 541
 04/03/2017 Senate—Enrolled and presented to Governor on Friday, March 31, 2017—SJ 432
- S 101** 04/06/2017 Senate—Approved by Governor on Wednesday, April 5, 2017—SJ 488
 Bill by Senators Pettey, Alley, Baumgardner, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Kerschen, Lynn, McGinn, Petersen, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn
House Substitute for SB 101 by Committee on Judiciary - Amending the protection from abuse act and protection from stalking act to establish the protection from stalking and sexual assault act; providing exceptions to the parental notification requirement when a sexual assault evidence collection examination of a minor has taken place; authorizing certain claims for compensation through the crime victims compensation board.
- 01/30/2017 Senate—Introduced—SJ 108
 01/31/2017 Senate—Referred to Committee on Judiciary—SJ 110
 02/07/2017 Senate—Hearing: Thursday, February 16, 2017, 10:30 AM Room 346-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 181
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 205
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/08/2017 House—Hearing: Wednesday, March 15, 2017, 03:30 PM Room 112-N
 03/24/2017 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 521
 03/28/2017 House—Committee of the Whole - Substitute bill be passed as amended—HJ 544

- 03/29/2017 House—Final Action - Substitute passed as amended; Yea: 116 Nay: 9—HJ 553
- 03/29/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 378
- 03/30/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 566
- 04/07/2017 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 672
- 05/02/2017 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 512
- 05/05/2017 Senate—Enrolled and presented to Governor on Friday, May 05, 2017—SJ 618
- 05/11/2017 Senate—Approved by Governor on Wednesday, May 10, 2017—SJ 653
- S 102** Bill by Federal and State Affairs
Counties; abatement of nuisances; disposal of vehicles.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115
- S 103** Bill by Federal and State Affairs
Secretary of State; political action committees prohibited.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115
- S 104** Bill by Federal and State Affairs
Lobbyists; restrictions on tickets to events and meals for legislators.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115
- S 105** Bill by Federal and State Affairs
Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115
- S 106** Bill by Federal and State Affairs
Campaign finance; prohibiting certain campaign contributions by KanCare providers.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115
- S 107** Bill by Federal and State Affairs
Authorizing the attorney general to establish a system of legal representation charges and collect such charges from state agencies.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Judiciary—SJ 115
 02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S

- 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 170
- S 108** Bill by Federal and State Affairs
Personal and family protection act and public employer liability.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 115
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 144-S
- S 109** Bill by Joint Special Claims Against the State
**House Substitute for SB 109 by Committee on Appropriations –
 Appropriations for FY 2017, FY 2018, FY 2019, FY 2020 and FY 2022
 for various state agencies.**
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Ways and Means—SJ 115
 02/08/2017 Senate—Hearing: Monday, February 13, 2017, 10:30 AM Room 548-S
 03/14/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 245
 03/23/2017 Senate—Committee of the Whole - Be passed as amended—SJ 311
 03/23/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 313
 03/24/2017 House—Received and Introduced—HJ 514
 03/27/2017 House—Referred to Committee on Appropriations—HJ 526
 05/01/2017 House—Hearing: Tuesday, May 02, 2017, 10:00 AM Room 112-N
 06/07/2017 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 1433
 06/08/2017 House—Motion to suspend House Rule 3905 regarding the printing of appropriation bills adopted.—HJ 1438
 06/08/2017 House—Committee of the Whole - Substitute bill be passed as amended—HJ 1446
 06/08/2017 House—Emergency Final Action - Substitute passed as amended; Yea: 99 Nay: 23—HJ 1448
 06/09/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator McGinn, Senator Billinger and Senator Kelly as conferees—SJ 1055
 06/09/2017 House—Motion to accede adopted; Representative Waymaster, Representative Davis and Representative Wolfe Moore appointed as conferees—HJ 1456
- S 110** Bill by Financial Institutions and Insurance
Authorizing the board of regents to provide supplemental health insurance coverage for certain state employees.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 09:30 AM Room 546-S
 02/01/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 115
 02/16/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 170
 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
 02/22/2017 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 197
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Insurance—HJ 336

- 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 09:00 AM Room 281-N
 03/16/2017 House—Committee Report recommending bill be passed by Committee on Insurance—HJ 456
 03/23/2017 House—Committee of the Whole - Be passed—HJ 504
 03/24/2017 House—Final Action - Passed; Yea: 100 Nay: 22—HJ 515
 04/03/2017 Senate—Enrolled and presented to Governor on Friday, March 31, 2017—SJ 432
 04/06/2017 Senate—Approved by Governor on Wednesday, April 5, 2017—SJ 488
- S 111** Bill by Assessment and Taxation
Concerning Kansas sales and compensating use tax, notice requirements to certain customers.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 115
 02/03/2017 Senate—Hearing: Wednesday, February 08, 2017, 09:30 AM Room 548-S
 04/05/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 484
- S 112** Bill by Judiciary
Requiring electronic recording of certain felony custodial interrogations; sentencing for domestic battery and creation of aggravated domestic battery; reducing criminal penalties for unlawful possession of drug paraphernalia; making burglary of a dwelling a person felony; mandatory expungement of arrest records due to mistaken identity or identity theft; increasing criminal penalties for crimes committed against a law enforcement officer; modifying procedures for custody and disposition of cruelly treated animals; clarifying the subject matter of criminal post-trial motions for correction of sentence; modifying postrelease supervision for sexually violent offenders.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Judiciary—SJ 115
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 346-S
 02/13/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 154
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 200
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 206
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/08/2017 House—Hearing: Monday, March 13, 2017, 03:30 PM Room 112-N
 03/23/2017 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 505
 03/27/2017 House—Committee of the Whole - Be passed as amended—HJ 531
 03/28/2017 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 542
 03/28/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 364
 03/29/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 548

- 05/02/2017 House—Conference Committee Report was adopted; Yea: 115 Nay: 9—HJ 732
- 05/03/2017 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 550
- 05/04/2017 Senate—Enrolled and presented to Governor on Thursday, May 04, 2017
- 05/05/2017 Senate—Approved by Governor on Friday, May 5, 2017—SJ 613
- S 113** Bill by Judiciary
Making burglary of a dwelling a person felony.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Judiciary—SJ 115
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 346-S
- S 114** Bill by Judiciary
Clarifying admissibility of certain tests for drugs or alcohol in proceedings under the revised Kansas code for care of children.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Judiciary—SJ 115
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 346-S
 02/14/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 157
 02/23/2017 Senate—Committee of the Whole - Be passed—SJ 207
 02/23/2017 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 209
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
- S 115** Bill by Ways and Means
State finances; requiring the KPERS board to liquidate the pooled money investment portfolio investment pursuant to K.S.A. 2016 Supp. 75-2263; transferring money to the state general fund and to the pooled money investment portfolio; authorizing the pooled money investment board to invest idle funds available for long term investment.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 548-S
 02/01/2017 Senate—Referred to Committee on Ways and Means—SJ 115
 02/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 142
- S 116** Bill by Assessment and Taxation
Repealing certain obsolete or expired sections relating to taxation.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 115
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 548-S
 03/07/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 221
 03/09/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 226

- S 117** Bill by Agriculture and Natural Resources
Allowing boards of county commissioners to declare the wild blackberry a noxious weed within counties.
 02/01/2017 Senate—Introduced—SJ 113
 02/02/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 120
 02/08/2017 Senate—Hearing and possible action: Monday, February 13, 2017, 08:30 AM Room 159-S
 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 169
 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214
 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 288
 03/17/2017 House—Received and Introduced—HJ 460
 03/17/2017 House—Hearing: Monday, March 20, 2017, 03:30 PM Room 582-N
 03/20/2017 House—Referred to Committee on Agriculture—HJ 467
- S 118** Bill by Ethics, Elections and Local Government
Voter registration; departments of aging and disability services, children and families; labor and state board of education.
 02/01/2017 Senate—Introduced—SJ 113
 02/02/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 120
- S 119** Bill by Utilities
Kansas universal service fund and Kansas lifeline support.
 02/01/2017 Senate—Introduced—SJ 113
 02/02/2017 Senate—Referred to Committee on Utilities—SJ 121
 02/06/2017 Senate—Hearing: Thursday, February 16, 2017, 01:30 PM Room 548-S
- S 120** Bill by Judiciary
Updating the code of civil procedure.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Monday, February 13, 2017, 10:30 AM Room 346-S
 02/13/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 155
 02/23/2017 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 207
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/06/2017 House—Hearing: Thursday, March 09, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
 04/03/2017 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Judiciary—HJ 578
 04/06/2017 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 643
 04/07/2017 House—Committee of the Whole - Substitute bill be passed—HJ 668

- 04/07/2017 House—Emergency Final Action - Substitute passed; Yea: 122 Nay: 0—HJ 668
- 05/01/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 507
- 05/01/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 677
- 05/17/2017 Senate—Concurred with amendments in conference; Yea: 39 Nay: 0—SJ 716
- 05/19/2017 Senate—Enrolled and presented to Governor on Friday, May 19, 2017—SJ 727
- 05/25/2017 Senate—Approved by Governor on Wednesday, May 24, 2017—SJ 754
- S 121** Bill by Judiciary
Enacting the Kansas protection of firearms rights act.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131
 03/27/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 355
- S 122** Bill by Judiciary
Increasing the penalty for certain violations of criminal discharge of a firearm.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 346-S
- S 123** Bill by Judiciary
Amending ignition interlock requirements for certain first time DUI-related offenses.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 346-S
- S 124** Bill by Judiciary
Amending factors considered in determinations of child custody, residency and parenting time; clarifying admissibility of certain tests for drugs or alcohol in proceedings under the revised Kansas code for care of children.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Thursday, February 16, 2017, 10:30 AM Room 346-S
 02/20/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 180
 02/22/2017 Senate—Committee of the Whole - Be passed—SJ 197
 02/23/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 206
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 03:30 PM Room 112-N
 03/24/2017 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 521

- 03/28/2017 House—Committee of the Whole - Be passed as amended—HJ 544
 03/29/2017 House—Final Action - Passed as amended; Yea: 125 Nay: 0—HJ 553
 03/29/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 378
 03/30/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 566
 04/07/2017 Senate—Concurred with amendments in conference; Yea: 38 Nay: 0—SJ 504
 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
 05/01/2017 Senate—Approved by Governor on Friday, April 21, 2017—SJ 507
- S 125**
 Bill by Judiciary
Providing compensation to a person who was wrongfully convicted; providing compensation to the heirs of a person who was wrongfully executed.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 346-S
- S 126**
 Bill by Public Health and Welfare
House Substitute for SB 126 by Committee on Children and Seniors - Establishing the child welfare system task force.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 120
 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 09:30 AM Room 118-N
 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 170
 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 186
 02/21/2017 Senate—Motion to Reconsider Adopted—SJ 186
 02/21/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 186
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 197
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Children and Seniors—HJ 336
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 09:00 AM Room 218-N
 03/23/2017 House—Committee Report recommending substitute bill be passed by Committee on Children and Seniors—HJ 504
 03/30/2017 House—Withdrawn from Calendar; Referred to Committee on Appropriations
 04/03/2017 House—Withdrawn from Committee on Appropriations; Referred to Committee on Children and Seniors—HJ 578
 05/05/2017 House—Committee Report recommending bill be passed as amended by Committee on Children and Seniors—HJ 816
 05/08/2017 House—Withdrawn from Calendar, Rereferred to Committee on Children and Seniors—HJ 850
 05/10/2017 House—Committee Report recommending bill be further amended and be passed as amended by Committee on Children and Seniors—HJ 867
 05/12/2017 House—Committee of the Whole - Substitute bill be passed as amended—HJ 882

- 05/15/2017 House—Final Action - Substitute passed as amended; Yea: 120 Nay: 0—HJ 951
- 05/15/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator V. Schmidt, Senator Bollier and Senator Kelly as conferees—SJ 702
- 05/16/2017 House—Motion to accede adopted; Representative Alford, Representative Gallagher and Representative Ousley appointed as conferees—HJ 969
- 06/09/2017 House—Conference Committee Report was adopted; Yea: 105 Nay: 10—HJ 1452
- 06/09/2017 Senate—Conference Committee Report was adopted; Yea: 33 Nay: 6—SJ 1050
- 06/26/2017 Senate—Enrolled and presented to Governor on Thursday, June 15, 2017
- 06/26/2017 Senate—Approved by Governor on Thursday, June 22, 2017
- S 127** Bill by Transportation
Requiring an annual registration for escort vehicles.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Transportation—SJ 120
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 182
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 298
- S 128** Bill by Senator Haley
Increasing criminal penalties for hate crimes and establishing reporting requirements for law enforcement agencies.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/23/2017 Senate—Hearing: Wednesday, March 08, 2017, 10:30 AM Room 346-S
 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 214
- S 129** Bill by Assessment and Taxation
Allowing a board of county commissioners to exempt certain property located in a federal enclave.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 120
- S 130** Bill by Assessment and Taxation
Electronic cigarettes, definitions, enforcement.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 120
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 548-S
 03/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 221
 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 288
 03/17/2017 House—Received and Introduced—HJ 460

- 03/20/2017 House—Referred to Committee on Taxation—HJ 467
 03/22/2017 House—Hearing: Thursday, March 23, 2017, 03:30 PM Room 582-N
- S 131** Bill by Senators Tyson, Baumgardner, Bollier, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn
Larned and Osawatomie state hospital privatization prohibition amendments.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Ways and Means—SJ 121
- S 132** Bill by Ethics, Elections and Local Government
Regional system of cooperating libraries and board representatives.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 120
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 142-S
 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 170
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Ethics, Elections and Local Government—SJ 298
- S 133** Bill by Federal and State Affairs
Requiring e-verify for certain public contracts, enacting the Kansas employer e-verify accountability act.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Commerce—SJ 120
- S 134** Bill by Federal and State Affairs
Enhancing the penalty for misclassification of employees for purposes of evading taxes or unemployment insurance contributions.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Commerce—SJ 120
- S 135** Bill by Federal and State Affairs
Driver's license examiners; converted from classified to unclassified positions.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Transportation—SJ 120
 02/07/2017 Senate—Withdrawn from Committee on Transportation; Referred to Committee on Federal and State Affairs—SJ 140
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S
 02/16/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 170
 03/29/2017 Senate—Committee of the Whole - Be passed—SJ 379
 03/30/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 398
 04/03/2017 House—Received and Introduced—HJ 578
 04/04/2017 House—Referred to Committee on Federal and State Affairs—HJ 595
 04/04/2017 House—Hearing: Thursday, April 06, 2017, 08:00 AM Room 346-S
- S 136** Bill by Judiciary
Mandatory expungement of arrest records of a person arrested as a result of mistaken identity or identity theft.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 346-S

- 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 181
- 02/23/2017 Senate—Committee of the Whole - Be passed as amended—SJ 207
- 02/23/2017 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 209
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
- 03/08/2017 House—Hearing: Wednesday, March 15, 2017, 03:30 PM Room 112-N
- 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
- S 137** Bill by Ways and Means
Death benefits for certain KP&F surviving spouses.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 120
 02/13/2017 Senate—Hearing: Thursday, February 16, 2017, 09:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 180
 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 288
 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 467
- S 138** Bill by Ways and Means
KPERS working after retirement; exempting licensed school retirants from earnings limitation; sunseting special exemptions; waiting period.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 120
 03/09/2017 Senate—Hearing: Tuesday, March 14, 2017, 09:30 AM Room 546-S
 03/24/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 334
 03/30/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 413
 03/30/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 424
 04/03/2017 House—Received and Introduced—HJ 578
 04/04/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 595
- S 139** Bill by Federal and State Affairs
Exercise of religious freedom by postsecondary student associations; repealed.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Education—SJ 120
 02/02/2017 Senate—Withdrawn from Committee on Education; Referred to Committee on Federal and State Affairs—SJ 121
- S 140** Bill by Federal and State Affairs
Sales tax exemptions; Kansas dui impact center, inc.; active aging publishing inc.
 02/01/2017 Senate—Introduced—SJ 115

- 02/02/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 120
04/04/2017 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 441
- S 141** Bill by Judiciary
Amending provisions relating to municipal appearance bonds.
02/01/2017 Senate—Introduced—SJ 115
02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
02/07/2017 Senate—Hearing: Monday, February 13, 2017, 10:30 AM Room 346-S
- S 142** Bill by Ways and Means
State health care benefits program amendments.
02/02/2017 Senate—Introduced—SJ 117
02/03/2017 Senate—Referred to Committee on Ways and Means—SJ 127
- S 143** Bill by Financial Institutions and Insurance
Establishing a notary public education course as a requirement for appointment.
02/02/2017 Senate—Introduced—SJ 117
02/03/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 127
02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 546-S
- S 144** Bill by Transportation
Prohibiting the use of a wireless communication device in a school zone or a road construction zone.
02/02/2017 Senate—Introduced—SJ 118
02/03/2017 Senate—Referred to Committee on Transportation—SJ 127
02/06/2017 Senate—Hearing: Wednesday, February 08, 2017, 08:30 AM Room 546-S
02/14/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 157
02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 187
02/22/2017 Senate—Final Action - Passed as amended; Yea: 21 Nay: 17—SJ 197
02/22/2017 House—Received and Introduced
02/23/2017 House—Referred to Committee on Transportation—HJ 336
03/08/2017 House—Hearing: Thursday, March 16, 2017, 01:30 PM Room 582-N
- S 145** Bill by Education
Amending the Kansas state high school activities association school classification system.
02/02/2017 Senate—Introduced—SJ 118
02/03/2017 Senate—Referred to Committee on Education—SJ 127
- S 146** Bill by Assessment and Taxation
Continuation of 20 mill statewide levy for schools and property tax exemption of certain portion of property used for residential purposes from such levy.
02/02/2017 Senate—Introduced—SJ 118
02/03/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 127
03/08/2017 Senate—Hearing: Tuesday, March 14, 2017, 09:30 AM Room 548-S
04/05/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 485
04/06/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 489

- 04/06/2017 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 491
- 04/06/2017 House—Received and Introduced—HJ 644
- 04/07/2017 House—Referred to Committee on Taxation—HJ 668
- 05/09/2017 House—Hearing: Wednesday, May 10, 2017, 03:30 PM Room 346-S
- 05/12/2017 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 948
- S 147** Bill by Assessment and Taxation
Kansas income tax act; providing changes in rates, itemized deductions, and determination of Kansas adjusted gross income and sunseting certain modifications.
- 02/02/2017 Senate—Introduced—SJ 118
- 02/03/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 127
- 02/06/2017 Senate—Hearing: Monday, February 06, 2017, 09:30 AM Room 548-S
- 02/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 141
- 02/13/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Assessment and Taxation—SJ 153
- 02/15/2017 Senate—Committee Report, be amended without recommendation by Committee on Assessment and Taxation—SJ 161
- 02/23/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Assessment and Taxation—SJ 211
- S 148** Bill by Senator Haley
Interstate compact on the agreement among the states to elect the president by national popular vote.
- 02/02/2017 Senate—Introduced—SJ 118
- 02/03/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 127
- S 149** Bill by Judiciary
Enacting rules for briefs in a criminal matter or postconviction case in the supreme court or court of appeals; authorizing the attorney general to establish a system of legal representation charges and collect such charges from state agencies; office of the inspector general; enforcement of the scrap metal theft reduction act.
- 02/03/2017 Senate—Introduced—SJ 126
- 02/06/2017 Senate—Referred to Committee on Judiciary—SJ 131
- 02/07/2017 Senate—Hearing: Monday, February 13, 2017, 10:30 AM Room 346-S
- 02/13/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 155
- 02/23/2017 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 207
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
- 03/08/2017 House—Hearing: Monday, March 13, 2017, 03:30 PM Room 112-N
- 03/24/2017 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 523
- 03/29/2017 House—Committee of the Whole - Be passed as amended—HJ 556
- 03/30/2017 House—Final Action - Passed as amended; Yea: 122 Nay: 2—HJ 571
- 04/03/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 431

- 04/03/2017 House—Motion to accede adopted; Representative Finch, Representative Patton and Representative Carmichael appointed as conferees—HJ 590
- 05/03/2017 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 775
- 05/11/2017 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 683
- 05/19/2017 Senate—Enrolled and presented to Governor on Friday, May 19, 2017—SJ 727
- 05/25/2017 Senate—Approved by Governor on Wednesday, May 24, 2017—SJ 754
- S 150** Bill by Judiciary
Amending responsibilities for certain costs under the Kansas sexually violent predator act.
 02/03/2017 Senate—Introduced—SJ 126
 02/06/2017 Senate—Referred to Committee on Judiciary—SJ 131
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 346-S
S 151 Bill by Judiciary
Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicines.
 02/03/2017 Senate—Introduced—SJ 126
 02/06/2017 Senate—Referred to Committee on Judiciary—SJ 131
 02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131
- S 152** Bill by Public Health and Welfare
Allowing physicians, physician assistants and advanced practice registered nurses to utilize expedited partner therapy.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 131
- S 153** Bill by Public Health and Welfare
Requiring targeted case management for recipients of home and community based services.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 131
 02/08/2017 Senate—Hearing: Monday, February 13, 2017, 09:30 AM Room 118-N
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 182
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Public Health and Welfare—SJ 298
- S 154** Bill by Public Health and Welfare
Amendments to home health agency licensure.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 131
 02/15/2017 Senate—Hearing: Thursday, February 16, 2017, 09:30 AM Room 118-N
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 182
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 206
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Health and Human Services—HJ 359

- 03/08/2017 House—Hearing: Monday, March 13, 2017, 01:30 PM Room 546-S
 03/14/2017 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 413
 03/23/2017 House—Committee of the Whole - Be passed—HJ 504
 03/24/2017 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 516
 04/03/2017 Senate—Enrolled and presented to Governor on Friday, March 31, 2017—SJ 432
 04/06/2017 Senate—Approved by Governor on Wednesday, April 5, 2017—SJ 488
- S 155** Bill by Senator Haley
Substitute for Senate Bill 155 by Committee on Federal and State Affairs -- Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicine.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 131
 02/15/2017 Senate—Hearing: Monday, February 20, 2017, 10:30 AM Room 144-S
 03/10/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 229
- S 156** Bill by Judiciary
Amending the crime of creating a hazard to include leaving certain loaded firearms in a place accessible to children.
 02/06/2017 Senate—Introduced—SJ 130
 02/07/2017 Senate—Referred to Committee on Judiciary—SJ 138
 02/09/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 346-S
- S 157** Bill by Federal and State Affairs
Kansas highway patrol; immigration agreement.
 02/06/2017 Senate—Introduced—SJ 130
 02/07/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 138
 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 144-S
 03/28/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 368
- S 158** Bill by Federal and State Affairs
Prohibiting adoption of sanctuary policies by cities, counties and state agencies.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 138
 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 144-S
 03/27/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 355
- S 159** Bill by Senator Hensley
Claims against the state.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Ways and Means—SJ 138
- S 160** Bill by Ways and Means
Establishing an independent home and community based services ombudsman.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 138
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 118-N
 02/20/2017 Senate—Committee Report recommending bill be passed by Committee

- on Public Health and Welfare—SJ 182
- S 161** Bill by Ways and Means
Allotments; requiring the governor and secretary of administration to act under certain circumstances.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Ways and Means—SJ 138
 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 548-S
- S 162** Bill by Ways and Means
Amending statutes concerning dangerous regulated animals.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 138
- S 163** Bill by Commerce
Kansas liquor control act and retailer's licenses.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 138
- S 164** Bill by Federal and State Affairs
Club and drinking establishment act and the consumption of alcoholic beverages.
 02/07/2017 Senate—Introduced—SJ 137
 02/08/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 144
 02/15/2017 Senate—Hearing: Monday, February 20, 2017, 10:30 AM Room 144-S
- S 165** Bill by Public Health and Welfare
Providing insurance coverage for opioid-related treatments and establishing standards for use of emergency opioid antagonists.
 02/07/2017 Senate—Introduced—SJ 137
 02/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 144
 02/15/2017 Senate—Hearing: Monday, February 20, 2017, 09:30 AM Room 118-N
- S 166** Bill by Education
Exempting Cleveland university-Kansas City from the private and out-of-state postsecondary educational institution act.
 02/07/2017 Senate—Introduced—SJ 137
 02/08/2017 Senate—Referred to Committee on Education—SJ 144
 02/14/2017 Senate—Hearing: Thursday, February 16, 2017, 01:30 PM Room 144-S
 02/20/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—SJ 180
 02/23/2017 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 208
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Education—HJ 359
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 03:30 PM Room 546-S
 03/16/2017 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—HJ 456
 03/21/2017 House—Final Action - Passed; Yea: 119 Nay: 3—HJ 475
 03/24/2017 Senate—Enrolled and presented to Governor on Friday, March 24, 2017—SJ 348
 03/29/2017 Senate—Approved by Governor on Tuesday, March 28, 2017—SJ 395
- S 167** Bill by Assessment and Taxation
Property tax lid; cities and counties; repealed.
 02/07/2017 Senate—Introduced—SJ 138

- 02/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 144
- S 168** Bill by Federal and State Affairs
Kansas lottery; repeal sunset.
 02/07/2017 Senate—Introduced—SJ 138
 02/08/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 144
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S
- S 169** Bill by Federal and State Affairs
Kansas lottery; permit lottery ticket vending machines.
 02/07/2017 Senate—Introduced—SJ 138
 02/08/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 144
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S
 03/13/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 240
- S 170** Bill by Senator Faust-Goudeau
Kansas department for children and families and performance-based contracting.
 02/07/2017 Senate—Introduced—SJ 138
 02/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 144
- S 171** Bill by Transportation
Removing prohibitions against certain persons from obtaining a license to drive a motorized bicycle.
 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Transportation—SJ 148
 02/13/2017 Senate—Hearing: Thursday, February 16, 2017, 08:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 182
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 298
- S 172** Bill by Ways and Means
Prohibiting the use of conversion therapy.
 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 148
- S 173** Bill by Ways and Means
Department of health and environment-division of health care finance, appropriations for fiscal years 2018, 2019 and 2020 for 5% rate increase for providers under the home and community based services medicaid waivers.
 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Ways and Means—SJ 148
 02/22/2017 Senate—Hearing: Tuesday, March 07, 2017, 10:30 AM Room 548-S
- S 174** Bill by Ways and Means
Authorizing Wichita area technical college to affiliate with Wichita state University.
 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Ways and Means—SJ 148
 02/14/2017 Senate—Hearing: Monday, February 20, 2017, 10:30 AM Room 548-S
 03/09/2017 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 228
 03/15/2017 Senate—Committee of the Whole - Be passed—SJ 249
 03/16/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 269

- 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Education—HJ 467
 03/22/2017 House—Hearing and possible action: Thursday, March 23, 2017, 04:00 PM Room 546-S
 03/24/2017 House—Committee Report recommending bill be passed by Committee on Education—HJ 518
 03/29/2017 House—Committee of the Whole - Be passed—HJ 554
 03/30/2017 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 571
 04/04/2017 Senate—Enrolled and presented to Governor on Tuesday, April 04, 2017—SJ 469
 05/01/2017 Senate—Approved by Governor on Wednesday, April 12, 2017—SJ 507
- S 175** Bill by Assessment and Taxation
Income tax, rates, modifications, credits; cigarettes and tobacco products, rates; alcoholic beverages, liquor enforcement, rates; business entities, filing fees.
 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 148
 02/13/2017 Senate—Hearing: Monday, February 13, 2017, 09:30 AM Room 548-S
 02/23/2017 Senate—Committee Report, be amended without recommendation by Committee on Assessment and Taxation—SJ 212
 03/07/2017 Senate—Motion by Senator Suellentrop to divide the question into five parts.—SJ 219
 03/07/2017 Senate—Part 1 (sec.11) was rejected.—SJ 219
 03/07/2017 Senate—Part 2 (sec.10) was rejected.—SJ 219
 03/07/2017 Senate—Part 3 (sec.21) was rejected.—SJ 219
 03/07/2017 Senate—Committee of the Whole - Enacting clause be stricken Yea: 37 Nay: 1—SJ 219
- S 176** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey, Rogers
Kansas buy American act.
 02/08/2017 Senate—Introduced—SJ 144
 02/09/2017 Senate—Referred to Committee on Commerce—SJ 148
- S 177** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey, Rogers
Hiring Kansans first.
 02/08/2017 Senate—Introduced—SJ 144
 02/09/2017 Senate—Referred to Committee on Commerce—SJ 148
- S 178** Bill by Senator Haley
Legalizing limited use of marijuana and authorizing the department of revenue to adopt rules and regulations related thereto.
 02/08/2017 Senate—Introduced—SJ 144
 02/09/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 148
- S 179** Bill by Judiciary
Amending human trafficking and related crimes; creating certain new crimes; requiring certain training for commercial driver's license applicants; addressing offender registration, expungement of juvenile adjudications and victim compensation.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Judiciary—SJ 153
 02/23/2017 Senate—Hearing: Tuesday, March 07, 2017, 10:30 AM Room 346-S

- 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 211
- 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 214
- 03/10/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 231
- 03/30/2017 Senate—Committee of the Whole - Be passed as amended—SJ 413
- 03/30/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 425
- 04/03/2017 House—Received and Introduced—HJ 578
- 04/04/2017 House—Referred to Committee on Judiciary—HJ 595
- S 180** Bill by Judiciary
Providing for law enforcement agencies to request and receive files concerning applicants previously employed by another state or local law enforcement agency.
- 02/10/2017 Senate—Introduced—SJ 150
- 02/13/2017 Senate—Referred to Committee on Judiciary—SJ 153
- 02/23/2017 Senate—Hearing: Tuesday, March 07, 2017, 10:30 AM Room 346-S
- 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 211
- 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 214
- 03/07/2017 Senate—Hearing: Wednesday, March 08, 2017, 10:30 AM Room 346-S
- S 181** Bill by Transportation
Allowing certain persons with suspended drivers' licenses to enter into amnesty agreements with the district court.
- 02/10/2017 Senate—Introduced—SJ 150
- 02/13/2017 Senate—Referred to Committee on Transportation—SJ 153
- 02/13/2017 Senate—Hearing: Thursday, February 16, 2017, 08:30 AM Room 546-S
- 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 183
- 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
- 02/23/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 206
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Transportation—HJ 360
- 03/14/2017 House—Withdrawn from Committee on Transportation; Referred to Committee on Judiciary—HJ 385
- 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
- S 182** Bill by Federal and State Affairs
Requiring the state corporation commission to study certain issues relating to electric utilities.
- 02/10/2017 Senate—Introduced—SJ 150
- 02/13/2017 Senate—Referred to Committee on Utilities—SJ 153
- S 183** Bill by Federal and State Affairs
Requiring the state corporation commission to implement retail electric choice.
- 02/10/2017 Senate—Introduced—SJ 150
- 02/13/2017 Senate—Referred to Committee on Utilities—SJ 153
- S 184** Bill by Ways and Means
Authorizing the Kansas intelligence fusion center.

- 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Judiciary—SJ 153
 02/23/2017 Senate—Hearing: Wednesday, March 08, 2017, 10:30 AM Room 346-S
 03/06/2017 Senate—Hearing: Thursday, March 09, 2017, 10:30 AM Room 346-S
 03/09/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 228
 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0
 —SJ 288
 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Judiciary—HJ 467
 03/22/2017 House—Committee Report recommending bill be passed by Committee
 on Judiciary—HJ 497
 03/30/2017 House—Committee of the Whole - Be passed—HJ 572
 04/03/2017 House—Final Action - Passed; Yea: 125 Nay: 0—HJ 585
 04/07/2017 Senate—Enrolled and presented to Governor on Friday, April 07, 2017
 —SJ 504
 05/01/2017 Senate—Approved by Governor on Wednesday, April 12, 2017—SJ 507
- S 185**
 Bill by Commerce
**Authorizing utility franchises for redevelopment districts which encompass a
 federal enclave.**
- 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Commerce—SJ 153
- S 186**
 Bill by Ways and Means
**Reimbursement to eligible providers for medicaid ground emergency medical
 transportation services.**
- 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Ways and Means—SJ 153
 03/20/2017 Senate—Hearing: Wednesday, March 22, 2017, 10:30 AM Room 548-S
 03/30/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Ways and Means—SJ 428
 04/06/2017 Senate—Committee of the Whole - Be passed as amended—SJ 488
 04/06/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0
 —SJ 492
 04/06/2017 House—Received and Introduced—HJ 644
 04/07/2017 House—Referred to Committee on Appropriations—HJ 668
- S 187**
 Bill by Public Health and Welfare
Kansas safe access act.
- 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 153
- S 188**
 Bill by Assessment and Taxation
**Under Kansas income tax act; providing rate changes, determination of Kansas
 adjusted gross income and sunseting certain modifications, and
 itemized and standard deductions.**
- 02/13/2017 Senate—Introduced—SJ 152
 02/14/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 157
 02/14/2017 Senate—Committee Report, be amended without recommendation by
 Committee on Assessment and Taxation—SJ 157
 02/16/2017 Senate—Committee of the Whole - Motion to recommend favorably for
 passage failed Yea: 10 Nay: 30—SJ 169

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- S 189** Bill by Ways and Means
Substitute for SB 189 by Committee on Ways and Means - Appropriations for FY 2017, FY 2018, FY 2019 and FY 2020 for various state agencies.
 02/13/2017 Senate—Introduced—SJ 152
 02/14/2017 Senate—Referred to Committee on Ways and Means—SJ 157
 03/13/2017 Senate—Hearing and possible action: Friday, March 17, 2017, 10:30 AM Room 548-S
 03/27/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 355
 03/29/2017 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 391
 03/30/2017 Senate—Final Action - Substitute passed as amended; Yea: 25 Nay: 15 —SJ 399
 04/03/2017 House—Received and Introduced—HJ 578
 04/04/2017 House—Referred to Committee on Appropriations—HJ 595
- S 190** Bill by Ways and Means
Making appropriations for FY 18 and FY 19 for the judicial branch.
 02/13/2017 Senate—Introduced—SJ 153
 02/14/2017 Senate—Referred to Committee on Ways and Means—SJ 157
 03/13/2017 Senate—Hearing and possible action: Friday, March 17, 2017, 10:30 AM Room 548-S
- S 191** Bill by Ways and Means
Appropriation revisions for FY 2017, FY 2018, FY 2019, FY 2020, FY 2021, FY 2022 and FY 2023 for various state agencies.
 02/13/2017 Senate—Introduced—SJ 153
 02/14/2017 Senate—Referred to Committee on Ways and Means—SJ 157
- S 192** Bill by Assessment and Taxation
Under Kansas income tax act; providing rate changes, determination of Kansas adjusted gross income and sunseting certain modifications, itemized deductions.
 02/14/2017 Senate—Introduced—SJ 156
 02/15/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 160
 03/08/2017 Senate—Hearing: Tuesday, March 14, 2017, 09:30 AM Room 548-S
- S 193** Bill by Ways and Means
Appropriation revisions for FY 2017, FY 2018 and FY 2019 for various state agencies.
 02/14/2017 Senate—Introduced—SJ 156
 02/15/2017 Senate—Referred to Committee on Ways and Means—SJ 160
- S 194** Bill by Ways and Means
Amending groundwater management district water user charges.
 02/14/2017 Senate—Introduced—SJ 157
 02/15/2017 Senate—Referred to Committee on Agriculture and Natural Resources —SJ 160
 03/15/2017 Senate—Hearing: Monday, March 20, 2017, 08:30 AM Room 159-S
- S 195** Bill by Ways and Means
Creating a suspended eligibility status for recipients of state medicaid services.
 02/14/2017 Senate—Introduced—SJ 157
 02/15/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 160
- S 196** Bill by Utilities
Electric utilities and billing standards.

- 02/15/2017 Senate—Introduced—SJ 160
 02/16/2017 Senate—Referred to Committee on Utilities—SJ 166
- S 197** Bill by Ways and Means
Establishing the social work examining committee.
 02/15/2017 Senate—Introduced—SJ 160
 02/16/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 166
- S 198** Bill by Assessment and Taxation
Substitute for SB 198 by Committee on Assessment and Taxation – Concerning the department of revenue; requiring people with access to federal tax information to be fingerprinted and allowing the conversion of certain driver’s license examiners positions from classified to unclassified.
 02/15/2017 Senate—Introduced—SJ 160
 02/16/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 166
 03/06/2017 Senate—Hearing: Wednesday, March 08, 2017, 09:30 AM Room 548-S
 04/06/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 497
 06/06/2017 Senate—Committee of the Whole - Substitute bill be passed—SJ 980
 06/06/2017 Senate—Emergency Final Action - Substitute passed; Yea: 35 Nay: 3—SJ 981
 06/06/2017 House—Received and Introduced—HJ 1400
 06/07/2017 House—Referred to Committee on Taxation—HJ 1433
- S 199** Bill by Federal and State Affairs
Amending bond requirements for appeals in the code of civil procedure.
 02/16/2017 Senate—Introduced—SJ 165
 02/17/2017 Senate—Referred to Committee on Judiciary—SJ 172
- S 200** Bill by Federal and State Affairs
Open records act; criminal investigation records; missing persons.
 02/16/2017 Senate—Introduced—SJ 165
 02/17/2017 Senate—Referred to Committee on Judiciary—SJ 172
 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 211
 03/07/2017 Senate—Hearing: Wednesday, March 08, 2017, 10:30 AM Room 144-S
 03/10/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 230
- S 201** Bill by Federal and State Affairs
Kansas consumer protection act; protected consumer to include member of the military.
 02/16/2017 Senate—Introduced—SJ 166
 02/17/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 172
 03/09/2017 Senate—Hearing: Tuesday, March 14, 2017, 10:30 AM Room 144-S
 03/14/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 245
 04/04/2017 Senate—Withdrawn from calendar; rereferred to Committee on Federal and State Affairs.—SJ 440
 04/05/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 485
 05/02/2017 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 510
 05/02/2017 House—Received and Introduced—HJ 729
 05/03/2017 House—Referred to Committee on Federal and State Affairs—HJ 757
 05/04/2017 House—Hearing: Friday, May 05, 2017, 09:00 AM Room 346-S

- 05/08/2017 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 820
- 05/19/2017 House—Committee of the Whole - Be passed as amended—HJ 989
- 05/22/2017 House—Final Action - Passed as amended; Yea: 116 Nay: 0—HJ 990
- 05/23/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Estes, Senator Olson and Senator Faust-Goudeau as conferees—SJ 732
- 05/23/2017 House—Motion to accede adopted; Representative Barker, Representative Highland and Representative Ruiz appointed as conferees—HJ 1026
- 05/25/2017 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 1051
- 05/30/2017 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 766
- 06/02/2017 Senate—Enrolled and presented to Governor on Friday, June 02, 2017—SJ 826
- 06/09/2017 Senate—Approved by Governor on Friday, June 9, 2017
- S 202** Bill by Federal and State Affairs
Approving a compact between the Kickapoo Tribe in Kansas and the State of Kansas and the Sac and Fox Nation of Missouri in Kansas and Nebraska and the State of Kansas relating to cigarette and tobacco sales, taxation and escrow collection.
- 02/16/2017 Senate—Introduced—SJ 166
- 02/17/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 172
- 02/23/2017 Senate—Hearing: Tuesday, March 07, 2017, 10:30 AM Room 144-S
- 03/10/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 229
- 03/29/2017 Senate—Committee of the Whole - Be passed as amended—SJ 378
- 03/30/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 400
- 04/03/2017 House—Received and Introduced—HJ 578
- 04/04/2017 House—Referred to Committee on Federal and State Affairs—HJ 595
- 04/04/2017 House—Hearing: Thursday, April 06, 2017, 08:00 AM Room 346-S
- 04/06/2017 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 626
- 04/07/2017 House—Committee of the Whole - Be passed—HJ 668
- 04/07/2017 House—Emergency Final Action - Passed; Yea: 121 Nay: 1—HJ 669
- 05/01/2017 Senate—Enrolled and presented to Governor on Friday, April 14, 2017—SJ 508
- 05/01/2017 Senate—Approved by Governor on Friday, April 21, 2017—SJ 507
- S 203** Bill by Assessment and Taxation
Adding Cowley county to the list of rural opportunity zones.
- 02/16/2017 Senate—Introduced—SJ 166
- 02/17/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 172
- 03/21/2017 Senate—Hearing: Tuesday, March 21, 2017, 09:30 AM Room 548-S
- 03/22/2017 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 304
- S 204** Bill by Ways and Means
Enacting the Kansas cybersecurity act.
- 02/16/2017 Senate—Introduced—SJ 166
- 02/17/2017 Senate—Referred to Committee on Ways and Means—SJ 172

(SJ and HJ Nos. refer to 2017 Senate and House Journals)

- S 205** Bill by Ways and Means
KPERS; participating service credit; KP&F surviving spouse benefits; exempting board of regents' plan from certain working after retirement provisions; assumed rate of return.
 02/20/2017 Senate—Introduced—SJ 179
 02/21/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 185
 03/09/2017 Senate—Hearing: Thursday, March 16, 2017, 09:30 AM Room 546-S
 03/22/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 306
 03/30/2017 Senate—Committee of the Whole - Be passed as amended—SJ 413
 03/30/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 425
 04/03/2017 House—Received and Introduced—HJ 578
 04/04/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 595
 04/06/2017 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Pensions—HJ 649
 04/07/2017 House—Committee of the Whole - Be passed as amended—HJ 668
 04/07/2017 House—Emergency Final Action - Passed as amended; Yea: 122 Nay: 0—HJ 669
 05/01/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 507
 05/01/2017 House—Motion to accede adopted; Representative Kelly, Representative Powell and Representative Finney appointed as conferees—HJ 677
 05/02/2017 House—Representative Trimmer is appointed to replace Representative Finney on the Conference Committee—HJ 728
 05/03/2017 Senate—Concurred with amendments in conference; Yea: 39 Nay: 0—SJ 550
 05/05/2017 Senate—Enrolled and presented to Governor on Friday, May 05, 2017—SJ 618
 05/11/2017 Senate—Approved by Governor on Wednesday, May 10, 2017—SJ 653
- S 206** Bill by Federal and State Affairs
Creating the student privacy and protection act.
 02/21/2017 Senate—Introduced—SJ 184
 02/23/2017 Senate—Referred to Committee on Education—SJ 202
- S 207** Bill by Federal and State Affairs
Amendments to the Kansas expanded lottery act relating to racetrack gaming facilities.
 02/21/2017 Senate—Introduced—SJ 184
 02/23/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 202
 03/21/2017 Senate—Hearing: Thursday, March 23, 2017, 10:30 AM Room 144-S
- S 208** Bill by Ways and Means
County commission boards; expansion of commissioners; special election.
 02/21/2017 Senate—Introduced—SJ 185
 02/23/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 202

- S 209** Bill by Federal and State Affairs
Electric utilities and billing standards.
 02/22/2017 Senate—Introduced—SJ 191
 02/23/2017 Senate—Referred to Committee on Utilities—SJ 202
 03/06/2017 Senate—Hearing: Wednesday, March 15, 2017, 01:30 PM Room 548-S
- S 210** Bill by Ways and Means
Prohibiting the carrying of concealed firearms in certain buildings.
 02/23/2017 Senate—Introduced—SJ 201
 03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
 03/06/2017 Senate—Withdrawn from Committee on Assessment and Taxation;
 Referred to Committee on Federal and State Affairs—SJ 214
- S 211** Bill by Assessment and Taxation
Income tax credit for certain purchases of good and services by a taxpayer from qualified vendors that provide employment to individual who are blind or severely disabled.
 02/23/2017 Senate—Introduced—SJ 202
 03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
 04/06/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 498
- S 212** Bill by Assessment and Taxation
Directing the secretary of labor to submit a plan and negotiate an agreement for state enforcement of OSHA standards.
 02/23/2017 Senate—Introduced—SJ 202
 03/06/2017 Senate—Referred to Committee on Commerce—SJ 214
 03/08/2017 Senate—Hearing: Wednesday, March 15, 2017, 08:30 AM Room 548-S
 03/15/2017 Senate—Hearing continuation: Thursday, March 16, 2017, 08:30 AM Room 548-S
- S 213** Bill by Assessment and Taxation
Providing for state income taxation of retirement contributions by certain employees of the state board of regents.
 02/23/2017 Senate—Introduced—SJ 202
 03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
 03/15/2017 Senate—Hearing: Wednesday, March 22, 2017, 09:30 AM Room 548-S
- S 214** Bill by Assessment and Taxation
Relating to taxation, income tax, rates, modifications, deductions; sales and compensating use tax, food, rates.
 02/23/2017 Senate—Introduced—SJ 202
 03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
 03/15/2017 Senate—Hearing: Tuesday, March 21, 2017, 09:30 AM Room 548-S
 04/04/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 441
 04/06/2017 Senate—Committee of the Whole - Motion to rerefer to committee failed Yea: 15 Nay: 25—SJ 491
 04/06/2017 Senate—Committee of the Whole - Be passed as further amended Yea: 32 Nay: 6—SJ 491
 04/06/2017 Senate—Emergency Final Action - Not passed; Yea: 3 Nay: 37—SJ 492
- S 215** Bill by Assessment and Taxation
Concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions.
 02/23/2017 Senate—Introduced—SJ 202

- 03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
- S 216** Bill by Ways and Means
Updating statutory references as necessitated by 2012 Executive Reorganization Order No. 41.
 03/06/2017 Senate—Introduced—SJ 213
 03/07/2017 Senate—Referred to Committee on Judiciary—SJ 217
 03/08/2017 Senate—Hearing: Wednesday, March 15, 2017, 10:30 AM Room 346-S
 03/15/2017 Senate—Hearing: Thursday, March 16, 2017, 10:30 AM Room 346-S
 03/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 296
- S 217** Bill by Ways and Means
Updating certain statutory references relating to the Kansas department for aging and disability services.
 03/06/2017 Senate—Introduced—SJ 214
 03/07/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 217
 03/20/2017 Senate—Hearing: Wednesday, March 22, 2017, 09:30 AM Room 118-N
 03/23/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 323
 03/27/2017 Senate—Committee of the Whole - Be passed as amended—SJ 351
 03/28/2017 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 359
 03/28/2017 House—Received and Introduced—HJ 545
 03/29/2017 House—Referred to Committee on Health and Human Services—HJ 548
- S 218** Bill by Federal and State Affairs
Adult care home licensure and background check amendments.
 03/07/2017 Senate—Introduced—SJ 216
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
- S 219** Bill by Federal and State Affairs
Amending training requirements for security police officers employed by the Kansas department for aging and disability services.
 03/07/2017 Senate—Introduced—SJ 216
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
- S 220** Bill by Federal and State Affairs
Amending the Larned state hospital and Osawatomie state hospital catchment areas.
 03/07/2017 Senate—Introduced—SJ 216
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
- S 221** Bill by Federal and State Affairs
Amending the revised Kansas code for care of children and the newborn infant protection act and amending certain powers and duties of the secretary for children and families.
 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
- S 222** Bill by Assessment and Taxation
One-year moratorium on PEAK awards.
 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 223
- S 223** Bill by Assessment and Taxation
PEAK qualification distance requirements established and retention provision sunset accelerated.

- 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 223
- S 224** Bill by Assessment and Taxation
Providing for a \$.05 increase in motor fuel taxes.
 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 223
- S 225** 03/13/2017 Senate—Hearing: Friday, March 17, 2017, 09:30 AM Room 548-S
 Bill by Federal and State Affairs
Exclude charitable poker games from the crime of gambling.
 03/08/2017 Senate—Introduced—SJ 223
- S 226** 03/10/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 229
 Bill by Ways and Means
Providing for the appointment of the state librarian and the members of the state library of Kansas board by the legislative coordinating council.
 03/13/2017 Senate—Introduced—SJ 238
 03/14/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 242
 03/16/2017 Senate—Hearing: Tuesday, March 21, 2017, 10:30 AM Room 144-S
 03/27/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 355
- S 227** Bill by Ways and Means
Providing a post-retirement benefit increase (COLA) for certain retirants of KPERs.
 03/13/2017 Senate—Introduced—SJ 239
 03/14/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 242
- S 228** Bill by Ways and Means
Enacting the Kansas medicaid reform act.
 03/14/2017 Senate—Introduced—SJ 241
 03/15/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 247
- S 229** Bill by Ways and Means
County elections commissioners; appointment by county commission.
 03/14/2017 Senate—Introduced—SJ 242
 03/15/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 247
- S 230** Bill by Assessment and Taxation
High performance incentive program, moratorium on income tax credits and sales tax exemptions.
 03/15/2017 Senate—Introduced—SJ 247
 03/16/2017 Senate—Referred to Committee on Commerce—SJ 252
- S 231** Bill by Assessment and Taxation
Promoting the employment across Kansas act; moratorium on the award of benefits.
 03/15/2017 Senate—Introduced—SJ 247
 03/16/2017 Senate—Referred to Committee on Commerce—SJ 252
- S 232** Bill by Ways and Means
Amendments to the developmental disabilities reform act.
 03/16/2017 Senate—Introduced—SJ 251
 03/17/2017 Senate—Referred to Committee on Ways and Means—SJ 291
- S 233** Bill by Ways and Means
Creating the education finance act.

- 03/16/2017 Senate—Introduced—SJ 252
 03/17/2017 Senate—Referred to Senate Select Committee on Education Finance—
 SJ 291
- S 234** Bill by Federal and State Affairs
Amending requirements for certain consumer loan transactions.
 03/20/2017 Senate—Introduced—SJ 293
 03/21/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 297
- S 235** Bill by Ways and Means
Prohibiting the carrying of concealed weapons in certain buildings.
 03/20/2017 Senate—Introduced—SJ 293
 03/21/2017 Senate—Hearing: Thursday, March 23, 2017, 10:30 AM Room 548-S
 03/21/2017 Senate—Referred to Committee on Ways and Means—SJ 297
- S 236** Bill by Assessment and Taxation
**Income tax treatment of net operating loss carryback on the sale of certain
 hotels.**
 03/22/2017 Senate—Introduced—SJ 300
 03/23/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 310
- S 237** Bill by Federal and State Affairs
**Approving a compact between the Sac and Fox Nation of Missouri in Kansas
 and Nebraska and the state of Kansas relating to cigarette sales,
 taxation and escrow collection.**
 03/22/2017 Senate—Introduced—SJ 300
 03/23/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 310
- S 238** Bill by Ways and Means
Amending the compulsory school attendance requirements.
 03/23/2017 Senate—Introduced—SJ 310
 03/24/2017 Senate—Referred to Committee on Education—SJ 330
- S 239** Bill by Assessment and Taxation
**Making parts of the scrap metal theft reduction act unenforceable until
 January 1, 2019.**
 03/24/2017 Senate—Introduced—SJ 330
 03/27/2017 Senate—Referred to Committee on Judiciary—SJ 350
- S 240** Bill by Ways and Means
**Authorizing a land purchase in Sherman county by the Department of
 Wildlife, Parks and Tourism.**
 03/28/2017 Senate—Introduced—SJ 368
 03/29/2017 Senate—Referred to Committee on Ways and Means—SJ 369
 04/04/2017 Senate—Hearing: Tuesday, April 04, 2017, 09:00 AM Room 548-S
 04/05/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Ways and Means—SJ 485
- S 241** Bill by Ways and Means
Maximum retirement benefits for KP&F members.
 03/28/2017 Senate—Introduced—SJ 368
 03/29/2017 Senate—Referred to Committee on Financial Institutions and Insurance
 —SJ 369
- S 242** Bill by Ways and Means
**Amending the definition of "service-connected" in the Kansas police and
 firemen's retirement system.**
 03/28/2017 Senate—Introduced—SJ 368

- 03/29/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 369
- S 243** Bill by Federal and State Affairs
Reports relating to impaired health care providers.
 04/03/2017 Senate—Introduced—SJ 430
 04/04/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 433
- S 244** Bill by Ways and Means
Abolishing the death penalty and creating the crime of aggravated murder.
 04/05/2017 Senate—Introduced—SJ 471
 04/06/2017 Senate—Referred to Committee on Judiciary—SJ 488
- S 245** Bill by Ways and Means
Requiring state agencies to review rules and regulations and report to the joint committee on administrative rules and regulations.
 04/05/2017 Senate—Introduced—SJ 471
 04/06/2017 Senate—Referred to Committee on Ways and Means—SJ 488
- S 246** Bill by Ways and Means
Legislators compensation limited to 70 days unless the ensuing fiscal year's budget is passed, exceptions.
 04/05/2017 Senate—Introduced—SJ 471
 04/06/2017 Senate—Referred to Committee on Ways and Means—SJ 488
- S 247** Bill by Ways and Means
Cemetery districts; deannexation of land located within a city; board of county commissioners hearing and order.
 04/06/2017 Senate—Introduced—SJ 487
 04/07/2017 Senate—Referred to Committee on Ways and Means—SJ 500
- S 248** Bill by Assessment and Taxation
Creating the student opportunity scholarship program.
 05/05/2017 Senate—Introduced—SJ 613
 05/08/2017 Senate—Referred to Committee on Education—SJ 620
- S 249** Bill by Assessment and Taxation
Property valuation of grain elevator facilities, deviation from appraisal guides.
 05/08/2017 Senate—Introduced—SJ 619
 05/09/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 624
- S 250** Bill by Federal and State Affairs
Excluding members of the legislature and other elected officials from membership in KPERS.
 05/10/2017 Senate—Introduced—SJ 636
 05/11/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 653
- S 251** Bill by Ways and Means
Creating the Kansas school equity and enhancement act.
 05/18/2017 Senate—Introduced—SJ 717
 05/18/2017 Senate—Referred to Senate Select Committee on Education Finance—SJ 718
 05/18/2017 Senate—Hearing: Friday, May 19, 2017, 08:30 AM Room 548-S
 05/18/2017 Senate—Hearing: Thursday, May 18, 2017, 01:30 PM Room 548-S
- S 252** Bill by Assessment and Taxation
Enacting the ad astra rural jobs act.
 05/18/2017 Senate—Introduced—SJ 718
 05/19/2017 Senate—Referred to Committee on Commerce—SJ 726

- S 253** Bill by Ways and Means
Establishing the prompt payment act.
05/24/2017 Senate—Introduced—SJ 750
05/25/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 754
- S 254** Bill by Federal and State Affairs
Exemption from criminal possession of a gun silencer.
06/01/2017 Senate—Introduced—SJ 822
06/01/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 822

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

- S 1601** Concurrent Resolution by Senators Wagle, Denning, Hensley
Committee to inform governor that the two houses of the legislature are duly organized and ready to receive communications.
 01/09/2017 Senate—Introduced—SJ 28
 01/09/2017 Senate—Adopted without roll call—SJ 28
 01/09/2017 House—Received and Introduced
 01/09/2017 House—Adopted without roll call—HJ 53
 01/18/2017 Senate—Enrolled on Wednesday, January 18, 2017—SJ 55
- S 1602** Concurrent Resolution by Federal and State Affairs
Constitutional amendment to prescribe revenue, expenditure and taxation limitations on state government.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 73
- S 1603** Concurrent Resolution by Senator Holland
State constitutional amendment; legislative session; 60 days even-numbered years.
 02/02/2017 Senate—Introduced—SJ 118
 02/03/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 127
- S 1604** Concurrent Resolution by Senators Holland, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Pettey, Pilcher-Cook, Rogers
Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
 02/02/2017 Senate—Introduced—SJ 119
 02/03/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 127
- S 1605** Concurrent Resolution by Federal and State Affairs
Urging President Donald Trump to grant a full pardon to Shane Cox and Jeremy Kettler, who, as a result of federal government overreach, were unlawfully convicted of committing a crime.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 131
- S 1606** Concurrent Resolution by Senators Wagle, Denning, Hensley
Adjournment of the senate and house of representatives for a period of time during the 2017 regular session of the legislature.
 02/23/2017 Senate—Introduced—SJ 210
 02/23/2017 Senate—Adopted without roll call—SJ 210
 02/23/2017 House—Received and Introduced—HJ 357
 02/23/2017 House—Adopted without roll call—HJ 357
 03/08/2017 Senate—Enrolled and presented to Secretary of State on Wednesday, March 08, 2017—SJ 224
- S 1607** Concurrent Resolution by Federal and State Affairs
PROPOSITION to amend the Kansas constitution guaranteeing a right to life.
 04/05/2017 Senate—Introduced—SJ 471
 04/06/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 488
- S 1608** Concurrent Resolution by Senators Wagle, Denning, Hensley
Adjournment of the legislature for a time during the 2017 session.
 04/07/2017 Senate—Introduced—SJ 504
 04/07/2017 Senate—Adopted without roll call—SJ 504

04/07/2017 House—Received and Introduced—HJ 675

04/07/2017 House—Adopted without roll call—HJ 675

05/01/2017 Senate—Enrolled and presented to Secretary of State on Friday, April
14, 2017—SJ 508

TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1701** Resolution by Senators Wagle, Denning, Hensley
Organization of the Senate, 2017.
 01/09/2017 Senate—Introduced—SJ 9
 01/09/2017 Senate—Adopted without roll call—SJ 9
 01/10/2017 Senate—Enrolled on Tuesday, January 10, 2017—SJ 36
- S 1702** Resolution by Senators Wagle, Denning, Hensley
Assignment of seats in Senate, 2017.
 01/09/2017 Senate—Introduced—SJ 9
 01/09/2017 Senate—Adopted without roll call—SJ 9
 01/10/2017 Senate—Enrolled on Tuesday, January 10, 2017—SJ 36
- S 1703** Resolution by Senators Wagle, Denning, Hensley
Rules of the Senate, 2017-2020.
 01/09/2017 Senate—Introduced—SJ 10
 01/12/2017 Senate—Referred to Committee of the Whole—SJ 41
 01/17/2017 Senate—Committee of the Whole - Be adopted as amended—SJ 45
 01/17/2017 Senate—Emergency Final Action - Adopted as amended; Yea: 39 Nay:
 0—SJ 50
 01/19/2017 Senate—Enrolled on Thursday, January 19, 2017—SJ 57
- S 1704** Resolution by Senator Hensley
**Congratulating and commending Timothy (Tim) R. Graham for his many
 years of dedicated service.**
 01/17/2017 Senate—Introduced—SJ 44
 01/17/2017 Senate—Adopted without roll call—SJ 44
 01/18/2017 Senate—Enrolled on Wednesday, January 18, 2017—SJ 55
- S 1705** Resolution by Senator Doll
**Congratulating and commending coach Jeff Sims on winning the 2016 national
 junior college athletic association national championship for football**
 01/18/2017 Senate—Introduced—SJ 53
 01/18/2017 Senate—Adopted without roll call—SJ 53
 01/19/2017 Senate—Enrolled on Thursday, January 19, 2017—SJ 57
- S 1706** Resolution by Senators Pilcher-Cook, Alley, Baumgardner, Berger, Billinger,
 Bowers, Denning, Fitzgerald, Goddard, Kerschen, Longbine, Lynn,
 Masterson, McGinn, Olson, Petersen, Pyle, Suellentrop, Tyson, Wilborn
**Honoring pregnancy maintenance resource centers in Kansas and the United
 States.**
 01/23/2017 Senate—Introduced—SJ 62
 01/23/2017 Senate—Adopted without roll call—SJ 62
 01/25/2017 Senate—Enrolled on Wednesday, January 25, 2017—SJ 73
- S 1707** Resolution by Senator Baumgardner
**Congratulating and commending the members of the 2017 Kansas Teacher of
 the Year team**
 01/24/2017 Senate—Introduced—SJ 70
 01/24/2017 Senate—Adopted without roll call—SJ 70
 01/25/2017 Senate—Enrolled on Wednesday, January 25, 2017—SJ 73
- S 1708** Resolution by Senator McGinn
Recognizing February 3, 2017, as National Wear Red Day.
 02/02/2017 Senate—Introduced—SJ 121

- 02/02/2017 Senate—Adopted without roll call—SJ 121
02/03/2017 Senate—Enrolled on Friday, February 03, 2017—SJ 129
- S 1709**
Resolution by Senator Baumgardner
Commending award winning educators in Kansas
02/03/2017 Senate—Introduced—SJ 127
02/03/2017 Senate—Adopted without roll call—SJ 127
02/06/2017 Senate—Enrolled on Monday, February 06, 2017—SJ 136
- S 1710**
Resolution by Senator Pettey
Congratulating and commending Ray Lipovac's fifth grade class at Stony Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through I Am Here.
02/07/2017 Senate—Introduced—SJ 138
02/07/2017 Senate—Adopted without roll call—SJ 138
02/08/2017 Senate—Enrolled on Wednesday, February 08, 2017—SJ 147
- S 1711**
Resolution by Senator Pettey
Congratulating and commending Kristina Kidwell's third grade class at Whittier Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program.
02/07/2017 Senate—Introduced—SJ 139
02/07/2017 Senate—Adopted without roll call—SJ 139
02/08/2017 Senate—Enrolled on Wednesday, February 08, 2017—SJ 147
- S 1712**
Resolution by Senators Faust-Goudeau, Rogers
Congratulating and commending Olympic boxer and Wichita native, Nico Hernandez, for winning a bronze medal at the 2016 Rio Olympic Games.
02/13/2017 Senate—Introduced—SJ 153
02/13/2017 Senate—Adopted without roll call—SJ 153
02/16/2017 Senate—Enrolled on Thursday, February 16, 2017—SJ 170
- S 1713**
Resolution by Senators V. Schmidt, Hensley, Kelly
Congratulating and commending Washburn University men's basketball head coach, Bob Chipman, on a successful career.
02/15/2017 Senate—Introduced—SJ 161
02/15/2017 Senate—Adopted without roll call—SJ 161
02/16/2017 Senate—Enrolled on Thursday, February 16, 2017—SJ 170
- S 1714**
Resolution by Senator V. Schmidt
Recognizing February 2017 as Self Care Month
02/16/2017 Senate—Introduced—SJ 166
02/16/2017 Senate—Adopted without roll call—SJ 166
02/17/2017 Senate—Enrolled on Friday, February 17, 2017—SJ 177
- S 1715**
Resolution by Federal and State Affairs
Resolution urging comprehensive sex education curriculum in public schools.
02/15/2017 Senate—Introduced—SJ 160
02/15/2017 Senate—Referred to Committee on Education—SJ 160
06/26/2017 Senate—Died in Committee
- S 1716**
Resolution by Senators Faust-Goudeau, Haley
Recognizing the members of Delta Sigma Theta Sorority, Inc.
02/16/2017 Senate—Introduced—SJ 167
02/16/2017 Senate—Adopted without roll call—SJ 167
02/17/2017 Senate—Enrolled on Friday, February 17, 2017—SJ 177

- S 1717 Resolution by Senator Longbine
Recognizing the Kansas Lottery and the tremendous success it has achieved on behalf of the citizens of Kansas these past 30 years.
 03/07/2017 Senate—Introduced—SJ 217
 03/07/2017 Senate—Adopted without roll call—SJ 217
 03/10/2017 Senate—Enrolled on Friday, March 10, 2017—SJ 236
- S 1718 Resolution by Senator V. Schmidt
Recognizing the Boys & Girls Clubs across Kansas for the outstanding services they provide young people and their families.
 03/07/2017 Senate—Introduced—SJ 218
 03/07/2017 Senate—Adopted without roll call—SJ 218
 03/10/2017 Senate—Enrolled on Friday, March 10, 2017—SJ 236
- S 1719 Resolution by Senator McGinn
Recognizing March 2017 as Brain Injury Awareness Month.
 03/08/2017 Senate—Introduced—SJ 223
 03/08/2017 Senate—Adopted without roll call—SJ 223
 03/10/2017 Senate—Enrolled on Friday, March 10, 2017—SJ 236
- S 1720 Resolution by Senators Kelly, Longbine
Commemorating the 150th anniversary of the Wamego First United Methodist Church.
 03/09/2017 Senate—Introduced—SJ 226
 03/09/2017 Senate—Adopted without roll call—SJ 226
 03/10/2017 Senate—Enrolled on Friday, March 10, 2017—SJ 236
- S 1721 Resolution by Senators Holland, Baumgardner, Billinger, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hawk, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop
Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
 03/14/2017 Senate—Introduced—SJ 243
 03/14/2017 Senate—Adopted without roll call—SJ 243
 03/16/2017 Senate—Enrolled on Thursday, March 16, 2017—SJ 290
- S 1722 Resolution by Senator Billinger
Honoring the 50th anniversary of the Valley Hope Treatment Center.
 03/14/2017 Senate—Introduced—SJ 244
 03/14/2017 Senate—Adopted without roll call—SJ 244
 03/16/2017 Senate—Enrolled on Thursday, March 16, 2017—SJ 290
- S 1723 Resolution by Senators Pilcher-Cook, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hawk, Kerschen, LaTurner, Lynn, Masterson, Olson, Petersen, Pyle, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn
Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
 03/14/2017 Senate—Introduced—SJ 242
 03/14/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 242
 03/27/2017 Senate—Committee Report recommending resolution be adopted by Committee on Federal and State Affairs—SJ 355
 06/26/2017 Senate—Died on General Orders

- S 1724** Resolution by Senators Longbine, Denning, Estes, Hardy, Hawk, Masterson, V. Schmidt
Congratulating and commending the 2017 Kansas Master Teachers.
 03/15/2017 Senate—Introduced—SJ 247
 03/15/2017 Senate—Adopted without roll call—SJ 247
 03/16/2017 Senate—Enrolled on Thursday, March 16, 2017—SJ 290
- S 1725** Resolution by Senators Baumgardner, Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn
Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
 03/15/2017 Senate—Introduced—SJ 248
 03/15/2017 Senate—Adopted without roll call—SJ 248
 03/16/2017 Senate—Enrolled on Thursday, March 16, 2017—SJ 290
- S 1726** Resolution by Senator Olson
Honoring the lives of Srinivas Kuchibhotla, Alok Madasani, Ian Grillot and Sam Goodrich for their unwavering love for the United States of America.
 03/16/2017 Senate—Introduced—SJ 252
 03/16/2017 Senate—Adopted without roll call—SJ 252
 03/17/2017 Senate—Enrolled on Friday, March 17, 2017—SJ 291
- S 1727** Resolution by Senator Haley
Honoring the life and public service of John William Crutcher.
 03/16/2017 Senate—Introduced—SJ 253
 03/16/2017 Senate—Adopted without roll call—SJ 253
 03/17/2017 Senate—Enrolled on Friday, March 17, 2017—SJ 291
- S 1728** Resolution by Senator Doll
Congratulating and commending the Garden City High School girls bowling team for winning the 2017 Kansas State High School Activities Association Class 6A State Bowling Championship.
 03/20/2017 Senate—Introduced—SJ 294
 03/20/2017 Senate—Adopted without roll call—SJ 294
 03/24/2017 Senate—Enrolled on Friday, March 24, 2017—SJ 348
- S 1729** Resolution by Senators Hensley, Kelly, V. Schmidt
Congratulating and commending Reverend Shirley D. Heermance and the members of St. Mark's African Methodist Episcopal Church.
 03/22/2017 Senate—Introduced—SJ 301
 03/22/2017 Senate—Adopted without roll call—SJ 301
 03/24/2017 Senate—Enrolled on Friday, March 24, 2017—SJ 348
- S 1730** Resolution by Senators Rogers, Alley, Estes, Faust-Goudeau, Hardy, McGinn, Petersen, Wilborn
Commemorating the 150th anniversary of the historic Chisholm Trail.
 03/22/2017 Senate—Introduced—SJ 302
 03/22/2017 Senate—Adopted without roll call—SJ 302
 03/24/2017 Senate—Enrolled on Friday, March 24, 2017—SJ 348

- S 1731** Resolution by Senators Kelly, Hensley, V. Schmidt
Congratulating and commending the Topeka and Shawnee County Public Library for being named Library of the Year by Library Journal.
 03/23/2017 Senate—Introduced—SJ 310
 03/23/2017 Senate—Adopted without roll call—SJ 310
 03/24/2017 Senate—Enrolled on Friday, March 24, 2017—SJ 348
- S 1732** Resolution by Senators Bollier, Kelly
Resolution concerning influenza.
 03/27/2017 Senate—Introduced—SJ 351
 03/27/2017 Senate—Adopted without roll call—SJ 351
 03/30/2017 Senate—Enrolled on Thursday, March 30, 2017—SJ 429
- S 1733** Resolution by Senator Wilborn
Commemorating Bethany College's 135 years of educational service to the City of Lindsborg and to the entire state of Kansas.
 03/28/2017 Senate—Introduced—SJ 358
 03/28/2017 Senate—Adopted without roll call—SJ 358
 03/30/2017 Senate—Enrolled on Thursday, March 30, 2017—SJ 429
- S 1734** Resolution by Senator Hensley
Congratulating and commending the 2017 Shawnee Heights High School boys basketball team.
 03/29/2017 Senate—Introduced—SJ 369
 03/29/2017 Senate—Adopted without roll call—SJ 369
 03/30/2017 Senate—Enrolled on Thursday, March 30, 2017—SJ 429
- S 1735** Resolution by Senator Hensley
Congratulating and commending the 2016 Shawnee Heights High School girls volleyball team.
 03/29/2017 Senate—Introduced—SJ 371
 03/29/2017 Senate—Adopted without roll call—SJ 371
 03/30/2017 Senate—Enrolled on Thursday, March 30, 2017—SJ 429
- S 1736** 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.
 03/29/2017 Senate—Introduced—SJ 372
 03/29/2017 Senate—Adopted without roll call—SJ 372
 03/30/2017 Senate—Enrolled on Thursday, March 30, 2017—SJ 429
- S 1737** Resolution by Senator Doll
Congratulating and commending the 2017 Hugoton High School girls and Holcomb High School boys basketball teams.
 03/29/2017 Senate—Introduced—SJ 372
 03/29/2017 Senate—Adopted without roll call—SJ 372
 03/30/2017 Senate—Enrolled on Thursday, March 30, 2017—SJ 429
- S 1738** Resolution by Senator Goddard
Commemorating the reactivation of the 924th Air Refueling Squadron under the 931st Air Refueling Wing at McConnell Air Force Base on April 2, 2017.
 03/30/2017 Senate—Introduced—SJ 396
 03/30/2017 Senate—Adopted without roll call—SJ 396
 04/03/2017 Senate—Enrolled on Monday, April 03, 2017—SJ 432

- S 1739 Resolution by Senator Berger
Congratulating and commending the Hutchinson Community College men's basketball team for winning the 2017 NJCAA Division I National Championship.
 03/30/2017 Senate—Introduced—SJ 397
 03/30/2017 Senate—Adopted without roll call—SJ 397
 04/03/2017 Senate—Enrolled on Monday, April 03, 2017—SJ 432
- S 1740 Resolution by Senators Wagle, Denning, Hensley
Assignment of seats in the Senate, 2017.
 05/01/2017 Senate—Introduced—SJ 507
 05/01/2017 Senate—Adopted without roll call—SJ 507
 05/05/2017 Senate—Enrolled on Friday, May 05, 2017—SJ 618
- S 1741 Resolution by Senator Baumgardner
Congratulating and commending the Louisburg High School marching band for receiving an invitation to perform in the Rose Parade in Pasadena, California.
 05/02/2017 Senate—Introduced—SJ 509
 05/02/2017 Senate—Adopted without roll call—SJ 509
 05/05/2017 Senate—Enrolled on Friday, May 05, 2017—SJ 618
- S 1742 Resolution by Senator Lynn
Congratulating and commending the Olathe Northwest High School Raven Dance Team for winning their eighth consecutive national title.
 05/03/2017 Senate—Introduced—SJ 548
 05/03/2017 Senate—Adopted without roll call—SJ 548
 05/05/2017 Senate—Enrolled on Friday, May 05, 2017—SJ 618
- S 1743 Resolution by Senators Kelly, V. Schmidt
Congratulating and commending Zeke Metz for his accomplishments during the 2016-2017 swimming season.
 05/04/2017 Senate—Introduced—SJ 596
 05/04/2017 Senate—Adopted without roll call—SJ 596
 05/05/2017 Senate—Enrolled on Friday, May 05, 2017—SJ 618
- S 1744 Resolution by Senators Kelly, Hensley, V. Schmidt
Congratulating and commending the Washburn University Debate Team.
 05/04/2017 Senate—Introduced—SJ 596
 05/04/2017 Senate—Adopted without roll call—SJ 596
 05/05/2017 Senate—Enrolled on Friday, May 05, 2017—SJ 618
- S 1745 Resolution by Senators Petersen, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn
Commemorating the 80th anniversary of the American System of Conservation Funding.
 05/08/2017 Senate—Introduced—SJ 620
 05/08/2017 Senate—Adopted without roll call—SJ 620
 05/12/2017 Senate—Enrolled on Friday, May 12, 2017—SJ 699
- S 1746 Resolution by Senators Hardy, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hawk, Hilderbrand, Kerschen, Lynn, Petersen, Pettey, Rogers, Skubal, Sykes, Taylor, Wilborn

- Commemorating the 100th anniversary of city management in Kansas.**
 05/11/2017 Senate—Introduced—SJ 654
 05/11/2017 Senate—Adopted without roll call—SJ 654
 05/12/2017 Senate—Enrolled on Friday, May 12, 2017—SJ 699
- S 1747** Resolution by Senators McGinn, Faust-Goudeau, Kerschen, Masterson, Petersen, Rogers, Suellentrop, Wagle
- Honoring the life of M.S. "Mitch" Mitchell.**
 05/11/2017 Senate—Introduced—SJ 655
 05/11/2017 Senate—Adopted without roll call—SJ 655
 05/12/2017 Senate—Enrolled on Friday, May 12, 2017—SJ 699
- S 1748** Resolution by Senators Rogers, Alley, Berger, Givens
- Congratulating and commending the Kansas Association of School Boards on its 100th year.**
 05/16/2017 Senate—Introduced—SJ 704
 05/16/2017 Senate—Adopted without roll call—SJ 704
 05/19/2017 Senate—Enrolled on Friday, May 19, 2017—SJ 727
- S 1749** Resolution by Senators Berger, Hilderbrand, Taylor
- Congratulating and commending the 2016-2017 Kansas Distinguished Financial Educator Award recipients.**
 05/22/2017 Senate—Introduced—SJ 729
 05/22/2017 Senate—Adopted without roll call—SJ 729
 05/25/2017 Senate—Enrolled on Thursday, May 25, 2017—SJ 757
- S 1750** Resolution by Senators Hensley, Wagle
- Recognizing Sharon Wenger's service to the State of Kansas.**
 05/23/2017 Senate—Introduced—SJ 732
 05/23/2017 Senate—Adopted without roll call—SJ 732
 05/25/2017 Senate—Enrolled on Thursday, May 25, 2017—SJ 757
- S 1751** Resolution by Senator Berger
- Commemorating the 100th anniversary of Boy Scout Troop 301.**
 05/24/2017 Senate—Introduced—SJ 750
 05/24/2017 Senate—Adopted without roll call—SJ 750
 05/25/2017 Senate—Enrolled on Thursday, May 25, 2017—SJ 757
- S 1752** Resolution by Senator Pettey
- Congratulating and commending the Turner High School in Kansas City for winning their first state championship event in boys swimming and diving.**
 05/25/2017 Senate—Introduced—SJ 754
 05/25/2017 Senate—Adopted without roll call—SJ 754
 05/30/2017 Senate—Enrolled on Tuesday, May 30, 2017—SJ 802
- S 1753** Resolution by Senators Hensley, Wagle
- Commemorating May 29, 2017, as the 100th anniversary of the birth of President John Fitzgerald Kennedy.**
 05/30/2017 Senate—Introduced—SJ 758
 05/30/2017 Senate—Adopted without roll call—SJ 758
 06/02/2017 Senate—Enrolled on Friday, June 02, 2017—SJ 826
- S 1754** Resolution by Senators Francisco, Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn

Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

05/31/2017 Senate—Introduced—SJ 803

05/31/2017 Senate—Adopted without roll call—SJ 803

06/02/2017 Senate—Enrolled on Friday, June 02, 2017—SJ 826

S 1755 Resolution by Senator Givens

Congratulating and commending the Butler County Community College Grizzlies softball team.

06/02/2017 Senate—Introduced—SJ 823

06/02/2017 Senate—Adopted without roll call—SJ 823

06/05/2017 Senate—Enrolled on Monday, June 05, 2017—SJ 979

S 1756 Resolution by Senator Hilderbrand

Congratulating and commending the Pittsburg State University Women's Outdoor Track and Field team.

06/02/2017 Senate—Introduced—SJ 824

06/02/2017 Senate—Adopted without roll call—SJ 824

06/05/2017 Senate—Enrolled on Monday, June 05, 2017—SJ 979

S 1757 Resolution by Senators Tyson, Alley, Baumgardner, Berger, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hilderbrand, Holland, Longbine, Lynn, Masterson, Olson, Petersen, Pyle, Suellentrop, Taylor, Wagle, Wilborn

Urging President Trump to pardon Shane Cox and Jeremy Kettler.

06/06/2017 Senate—Introduced—SJ 1011

06/06/2017 Senate—Adopted without roll call—SJ 1011

06/09/2017 Senate—Enrolled on Friday, June 09, 2017—SJ 1055

FINAL
SENATE CALENDAR
 No. 90

JANUARY 9, 2017 THROUGH ADJOURNMENT JUNE 26, 2017

NUMERICAL SCHEDULE OF SENATE BILLS

1 Judiciary	26 Signed, St Bk	50 Signed, Pub 4/27/17
2 Fed & State	Sub	H Sub
3 Judiciary	27 Ways & Means	51 Signed, Pub 5/4/17
4 Judiciary	28 H Tax	H Sub
5 Trans	29 Gen Orders	52 H Approp
6 Fed & State	30 Vetoed, Overridden, St Bk	Sub
7 Commerce	31 Eth/Elec/Local Gov	53 Gen Orders
H Sub for Sub	32 Signed, Pub 4/6/17	54 Assess & Tax
8 Stricken, H Cal	33 Pub H & Wel	55 Signed, St Bk
9 Eth/Elec/Local Gov	34 Assess & Tax	56 H Elect
10 Gen Orders	35 Stricken, Cal	57 H Elect
11 Eth/Elec/Local Gov	36 Signed, St Bk	58 Eth/Elec/Local Gov
12 Judiciary	37 Eth/Elec/Local Gov	59 Ag & Nat Res
H Sub	38 Pub H & Wel	Sub
13 Signed, St Bk	39 Assess & Tax	60 Signed, St Bk
14 Signed, St Bk	H Sub	61 H Approp
15 Signed, St Bk	40 Signed, St Bk	62 H Approp
16 Signed, St Bk	41 Judiciary	63 Signed, St Bk
17 Signed, St Bk	H Sub	64 Commerce
18 H Fin Inst & Pens	42 Signed, St Bk	65 Signed, St Bk
19 Signed, St Bk	43 Signed, Pub 3/23/17	66 Signed, St Bk
20 Signed, St Bk	44 Commerce	67 H Fin Inst & Pens
H Sub	45 Gen Orders	68 Signed, St Bk
21 Signed, St Bk	46 Signed, St Bk	Sub
22 Signed, Pub 3/9/17	47 Stricken, H Cal	69 H Health/Hum
23 Signed, St Bk	48 H K-12 Budget	H Sub
24 Ag & Nat Res	49 Eth/Elec/Local Gov	70 Signed, St Bk
25 H Com/Labor/Econ		71 Commerce

72 Judiciary	H Sub	149 Signed, Pub 6/1/17
73 Judiciary	109 Conference	150 Judiciary
Sub	110 Signed, Pub 4/13/17	151 Fed & State
74 Signed, St Bk	111 Gen Orders	152 Pub H & Wel
75 H Approp	112 Signed, Pub 5/18/17	153 Pub H & Wel
76 Gen Orders	113 Judiciary	154 Signed, St Bk
77 Gen Orders	114 H Approp	Sub
78 Stricken, H Cal	115 Gen Orders	155 Gen Orders
79 Eth/Elec/Local Gov	116 Gen Orders	156 Judiciary
80 Eth/Elec/Local Gov	117 H Agri	157 Gen Orders
81 Eth/Elec/Local Gov	118 Eth/Elec/Local Gov	158 Gen Orders
82 Pub H & Wel	119 Utils	159 Ways & Means
83 Signed, St Bk	H Sub	160 Gen Orders
84 Gen Orders	120 Signed, St Bk	161 Ways & Means
Sub	121 Gen Orders	162 Ag & Nat Res
85 Signed, St Bk	122 Judiciary	163 Fed & State
H Sub	123 Judiciary	164 Fed & State
86 Signed, St Bk	124 Signed, St Bk	165 Pub H & Wel
87 H Fin Inst & Pens	125 Judiciary	166 Signed, St Bk
88 H Trans	H Sub	167 Assess & Tax
89 Signed, St Bk	126 Signed, Pub 6/29/17	168 Fed & State
90 Commerce	127 Trans	169 Gen Orders
91 Fin Inst & Ins	128 Judiciary	170 Pub H & Wel
92 H Approp	129 Assess & Tax	171 Trans
93 H Approp	130 H Tax	172 Pub H & Wel
94 H Approp	131 Ways & Means	173 Ways & Means
Sub for Sub	132 Eth/Elec/Local Gov	174 Signed, St Bk
95 Signed, St Bk	133 Commerce	175 Killed, COW
96 Signed, St Bk	134 Commerce	176 Commerce
Sub	135 H Fed & State	177 Commerce
97 Gen Orders	136 H Approp	178 Fed & State
98 Gen Orders	137 H Fin Inst & Pens	179 H Judiciary
99 Trans	138 H Fin Inst & Pens	180 Judiciary
100 Signed, St Bk	139 Fed & State	181 H Approp
H Sub	140 Gen Orders	182 Utils
101 Signed, St Bk	141 Judiciary	183 Utils
102 Eth/Elec/Local Gov	142 Ways & Means	184 Signed, Pub 4/20/17
103 Eth/Elec/Local Gov	143 Fin Inst & Ins	185 Commerce
104 Eth/Elec/Local Gov	144 H Trans	186 H Approp
105 Eth/Elec/Local Gov	145 Education	187 Pub H & Wel
106 Eth/Elec/Local Gov	146 H Gen Orders	188 Gen Orders
107 Gen Orders	147 Assess & Tax	Sub
108 Fed & State	148 Eth/Elec/Local Gov	189 H Approp

190 Ways & Means	211 Gen Orders	233 Select Com Ed Fin
191 Ways & Means	212 Commerce	234 Fed & State
192 Assess & Tax	213 Assess & Tax	235 Ways & Means
193 Ways & Means	214 Died, Final Action	236 Assess & Tax
194 Ag & Nat Res	215 Assess & Tax	237 Fed & State
195 Pub H & Wel	216 Gen Orders	238 Education
196 Utils	217 H Health/Hum	239 Judiciary
197 Pub H & Wel	218 Pub H & Wel	240 Gen Orders
Sub	219 Pub H & Wel	241 Fin Inst & Ins
198 H Tax	220 Pub H & Wel	242 Fin Inst & Ins
199 Judiciary	221 Pub H & Wel	243 Pub H & Wel
200 Gen Orders	222 Assess & Tax	244 Judiciary
201 Signed, St Bk	223 Assess & Tax	245 Ways & Means
202 Signed, Pub 5/4/17	224 Assess & Tax	246 Ways & Means
203 Gen Orders	225 Fed & State	247 Ways & Means
204 Ways & Means	226 Gen Orders	248 Education
205 Signed, St Bk	227 Fin Inst & Ins	249 Assess & Tax
206 Education	228 Pub H & Wel	250 Fin Inst & Ins
207 Fed & State	229 Eth/Elec/Local Gov	251 Select Com Ed Fin
208 Eth/Elec/Local Gov	230 Commerce	252 Commerce
209 Utils	231 Commerce	253 Pub H & Wel
210 Fed & State	232 Ways & Means	254 Fed & State

**NUMERICAL SCHEDULE OF
SENATE CONCURRENT RESOLUTIONS
2017 SESSION**

1601 Adopted & Enr	1604 Assess & Tax	1607 Fed & State
1602 Assess & Tax	1605 Fed & State	1608 Adopted & Enr
1603 Fed & State	1606 Adopted & Enr	

**NUMERICAL SCHEDULE OF
SENATE RESOLUTIONS
2017 SESSION**

1701 Adopted & Enr	1713 Adopted & Enr	1725 Adopted & Enr
1702 Adopted & Enr	1714 Adopted & Enr	1726 Adopted & Enr
1703 Adopted & Enr	1715 Died in Committee	1727 Adopted & Enr
1704 Adopted & Enr	1716 Adopted & Enr	1728 Adopted & Enr
1705 Adopted & Enr	1717 Adopted & Enr	1729 Adopted & Enr
1706 Adopted & Enr	1718 Adopted & Enr	1730 Adopted & Enr
1707 Adopted & Enr	1719 Adopted & Enr	1731 Adopted & Enr
1708 Adopted & Enr	1720 Adopted & Enr	1732 Adopted & Enr
1709 Adopted & Enr	1721 Adopted & Enr	1733 Adopted & Enr
1710 Adopted & Enr	1722 Adopted & Enr	1734 Adopted & Enr
1711 Adopted & Enr	1723 Died, Gen Orders	1735 Adopted & Enr
1712 Adopted & Enr	1724 Adopted & Enr	1736 Adopted & Enr

1737 Adopted & Enr	1744 Adopted & Enr	1751 Adopted & Enr
1738 Adopted & Enr	1745 Adopted & Enr	1752 Adopted & Enr
1739 Adopted & Enr	1746 Adopted & Enr	1753 Adopted & Enr
1740 Adopted & Enr	1747 Adopted & Enr	1754 Adopted & Enr
1741 Adopted & Enr	1748 Adopted & Enr	1755 Adopted & Enr
1742 Adopted & Enr	1749 Adopted & Enr	1756 Adopted & Enr
1743 Adopted & Enr	1750 Adopted & Enr	1757 Adopted & Enr

**SENATE ACTION ON HOUSE BILLS
2017 SESSION**

2002 CCR Adopted	2076 Trans	2158 CCR Adopted
2006 Pass Am, H Con	2079 CCR Adopted	2160 Pub H & Wel
2013 Eth/Elec/Local Gov	2080 CCR Adopted	2161 Ways & Means
2017 Passed	2084 Judiciary	2162 Gen Orders
2025 Pass Am, H Con	2085 CCR Adopted	2164 Passed
S Sub	2092 CCR Adopted	2168 Commerce
2026 CCR Adopted	2093 Judiciary	2170 CCR Adopted
S Sub	2094 Pass Am, H Con	S Sub
2027 Pass Am, H Con	2095 CCR Adopted	2174 Pass Am, H Con
2028 Pub H & Wel	2096 CCR Adopted	2176 Judiciary
2030 Pass Am, H Con	2098 Passed	Sub
2031 Pub H & Wel	2102 Pass Am, H Con	2178 Veto sustained
2035 Judiciary	2106 Pub H & Wel	2180 Ways & Means
2036 Assess & Tax	2107 Pub H & Wel	2182 Ag & Nat Res
2041 CCR Adopted	2109 Passed	2184 Commerce
2043 Pass Am, H Con	2110 Passed	S Sub
2044 Passed	2111 Conference	2186 Conference
2045 Pub H & Wel	2118 Passed	2187 Pub H & Wel
2047 Pub H & Wel	2121 Pub H & Wel	2191 Passed
2048 Education	2125 Judiciary	2192 Passed
2049 Judiciary	2126 Judiciary	Sub
S Sub	2128 CCR Adopted	2194 Trans
2052 CCR Adopted	S Sub	S Sub
S Sub	2129 Gen Orders	2197 Judiciary
2053 CCR Adopted	S Sub	2203 Trans
2054 CCR Adopted	2130 Gen Orders	2205 Pub H & Wel
S Sub	S Sub	2210 Eth/Elec/Local Gov
2055 Pass Am, H Con	2132 Pass Am, H Con	2212 CCR Adopted
2066 Passed	2136 Passed	2213 CCR Adopted
2067 Conference	2137 Pass Am, H Con	2217 Passed
2069 Judiciary	2140 Pass Am, H Con	2219 Passed
2070 Judiciary	2148 Trans	Sub
2071 Judiciary	2153 CCR Adopted	2223 Eth/Elec/Local Gov

2228 Assess & Tax Sub	S Sub	2333 Eth/Elec/Local Gov
2230 CCR Adopted	2278 Passed	2343 Pub H & Wel
2232 Pub H & Wel	2279 Ways & Means	2353 Passed
2234 Judiciary	2280 CCR Adopted	2356 Passed
2235 Assess & Tax	2289 Fin Inst & Ins	2360 Ways & Means
2240 Judiciary	2301 CCR Adopted	2362 Fed & State
2256 Eth/Elec/Local Gov	2302 Judiciary	2380 Assess & Tax
2257 Trans	S Sub	S Sub
2260 Judiciary	2304 Pass Am, H Con	2386 Gen Orders
2262 Judiciary	2306 Judiciary	2387 Pass Am, H Con
2268 Fin Inst & Ins Sub	2312 Passed	2391 Judiciary
2272 Ag & Nat Res	2313 CCR Adopted	2407 CCR Adopted
2273 Utils	2319 Fed & State	2408 Assess & Tax
Sub	2320 Judiciary	2409 CCR Adopted
2277 Pass Am, H Con	2329 Passed	Sub
	Sub	2410 Select Com Ed Fin
	2331 Ways & Means	2426 Passed

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
2017 SESSION**

5001 Adopted	5012 Adopted	5015 Adopted
5002 Adopted	5014 Adopted	5016 Adopted
5003 Adopted		

SENATE BILLS CARRIED OVER TO 2018 SESSION

1 Judiciary	33 Pub H & Wel	61 H Approp
2 Fed & State	34 Assess & Tax	62 H Approp
3 Judiciary	37 Eth/Elec/Local Gov	64 Commerce
4 Judiciary	38 Pub H & Wel	67 H Fin Inst/Pens
5 Trans	39 Assess & Tax	Sub
6 Fed & State	41 Judiciary	69 H Health/Hum
7 Commerce	44 Commerce	71 Commerce
9 Eth/Elec/Local Gov	45 Gen Orders	72 Judiciary
10 Gen Orders	48 H K-12 Budget	73 Judiciary
11 Eth/Elec/Local Gov	49 Eth/Elec/Local Gov	75 H Approp
12 Judiciary	H Sub	76 Gen Orders
18 H Fin Inst & Pens	52 H Approp	77 Gen Orders
24 Ag & Nat Res	Sub	79 Eth/Elec/Local Gov
25 H Com/Labor/Econ	53 Gen Orders	80 Eth/Elec/Local Gov
Sub	54 Assess & Tax	81 Eth/Elec/Local Gov
27 Ways & Means	56 H Elect	82 Pub H & Wel
28 H Tax	57 H Elect	84 Gen Orders
29 Gen Orders	58 Eth/Elec/Local Gov	87 H Fin Inst & Pens
31 Eth/Elec/Local Gov	59 Ag & Nat Res	88 H Trans

90 Commerce	140 Gen Orders	188 Gen Orders
91 Fin Inst & Ins	141 Judiciary	Sub
92 H Approp	142 Ways & Means	189 H Approp
93 H Approp	143 Fin Inst & Ins	190 Ways & Means
94 H Approp	144 H Trans	191 Ways & Means
Sub	145 Education	192 Assess & Tax
97 Gen Orders	146 H Gen Orders	193 Ways & Means
98 Gen Orders	147 Assess & Tax	194 Ag & Nat Res
99 Trans	148 Eth/Elec/Local Gov	195 Pub H & Wel
102 Eth/Elec/Local Gov	150 Judiciary	196 Utils
103 Eth/Elec/Local Gov	151 Fed & State	197 Pub H & Wel
104 Eth/Elec/Local Gov	152 Pub H & Wel	Sub
105 Eth/Elec/Local Gov	153 Pub H & Wel	198 H Tax
106 Eth/Elec/Local Gov	Sub	199 Judiciary
107 Gen Orders	155 Gen Orders	200 Gen Orders
108 Fed & State	156 Judiciary	203 Gen Orders
H Sub	157 Gen Orders	204 Ways & Means
109 Conference	158 Gen Orders	206 Education
111 Gen Orders	159 Ways & Means	207 Fed & State
113 Judiciary	160 Gen Orders	208 Eth/Elec/Local Gov
114 H Approp	161 Ways & Means	209 Utils
115 Gen Orders	162 Ag & Nat Res	210 Fed & State
116 Gen Orders	163 Fed & State	211 Gen Orders
117 H Agri	164 Fed & State	212 Commerce
118 Eth/Elec/Local Gov	165 Pub H & Wel	213 Assess & Tax
119 Utils	167 Assess & Tax	215 Assess & Tax
121 Gen Orders	168 Fed & State	216 Gen Orders
122 Judiciary	169 Gen Orders	217 H Health/Hum
123 Judiciary	170 Pub H & Wel	218 Pub H & Wel
125 Judiciary	171 Trans	219 Pub H & Wel
127 Trans	172 Pub H & Wel	220 Pub H & Wel
128 Judiciary	173 Ways & Means	221 Pub H & Wel
129 Assess & Tax	176 Commerce	222 Assess & Tax
130 H Tax	177 Commerce	223 Assess & Tax
131 Ways & Means	178 Fed & State	224 Assess & Tax
132 Eth/Elec/Local Gov	179 H Judiciary	225 Fed & State
133 Commerce	180 Judiciary	226 Gen Orders
134 Commerce	181 H Approp	227 Fin Inst & Ins
135 H Fed & State	182 Utils	228 Pub H & Wel
136 H Approp	183 Utils	229 Eth/Elec/Local Gov
137 H Fin Inst & Pens	185 Commerce	230 Commerce
138 H Fin Inst & Pens	186 H Approp	231 Commerce
139 Fed & State	187 Pub H & Wel	232 Ways & Means

233 Select Com Ed Fin	241 Fin Inst & Ins	248 Education
234 Fed & State	242 Fin Inst & Ins	249 Assess & Tax
235 Ways & Means	243 Pub H & Wel	250 Fin Inst & Ins
236 Assess & Tax	244 Judiciary	251 Select Com Ed Fin
237 Fed & State	245 Ways & Means	252 Commerce
238 Education	246 Ways & Means	253 Pub H & Wel
239 Judiciary	247 Ways & Means	254 Fed & State
240 Gen Orders		

**SENATE CONCURRENT RESOLUTIONS
CARRIED OVER TO 2018 SESSION**

1602 Assess & Tax	1604 Assess & Tax	1607 Fed & State
1603 Fed & State	1605 Fed & State	

**SUMMARY OF ACTIONS ON SENATE BILLS
AND SENATE RESOLUTIONS**

Senate Bills

Senate bills introduced in 2017 Session	254
Senate bills signed by Governor	48
Senate bills vetoed by the Governor	1
(SB 30, Veto Overridden)	
Senate bills printed in Kansas Register	11
Senate bills killed in Senate	3
Senate bills killed in House	3
Senate bills carried over to 2018 Session	199
Senate bills in Senate Committees	139
Senate bills in House Committees	31
Senate bills on Senate Calendar	27
Senate bills on House Calendar	1
Senate bills in Conference Committees	<u>1</u>
TOTAL	254

Senate Concurrent Resolutions

Senate concurrent resolutions introduced in 2017 Session	8
Senate concurrent resolutions adopted by both houses	3
Senate concurrent resolutions carried over to 2018 Session	5
Senate concurrent resolutions in Senate Committees	5
TOTAL	8

Senate Resolutions

Senate bills introduced in the 2017 Session	57
Senate resolutions adopted	55
Senate resolutions killed in Senate	2
TOTAL	57

STATUS OF BILLS AND RESOLUTIONS

Senate bills signed by the Governor: Nos. H Sub 13, 14, 15, 16, 17, 19, 20, H Sub 21, 22, 23, 26, 30, 32, 36, H Sub 40, H Sub 42, 43, 46, 50, H Sub 51, 55, Sub 60, 63, 65, 66, 68, H Sub 70, Sub 74, 83, Sub 85, 86, 89, Sub for Sub 95, 96, 100, H Sub 101, 110, 112, H Sub 120, 124, H Sub 126, 149, 154, 166, 174, 184, 201, 202, 205

Senate bills signed by the Governor and published in Kansas Register:
Nos. 22, 32, 43, 50, H Sub 51, 110, 112, H Sub 126, 149, 184, 202

Senate bills becoming law notwithstanding Governor's Veto: No. 30

Senate resolutions adopted: Nos. 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757

Senate concurrent resolutions adopted by both Houses: Nos. 1601, 1606, 1608

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS
2017 SENATE JOURNAL**

APPOINTMENTS

Secretary of State Kris Kobach appointed Corey Carnahan to serve as temporary Secretary of the Senate, page 3.

SR 1701, relating to the organization of the Senate and appointments of the president, vice president, majority leader, minority leader, secretary and sergeant at arms, page 9.

SR 1702, relating to assignment of seats of the Senate, page 9.

SR 1740, relating to assignment of seats of the Senate, page 507.

COMMUNICATIONS FROM STATE OFFICERS

Secretary of the Senate, Corey Carnahan, has received the following communications during the interim since adjournment of the 2016 Regular Session of the Legislature:

Attorney General Derek Schmidt submitted the annual report of the Consumer Protection and Antitrust Division, page 28.

Nadira Patrick, Manager, Major Projects and Comprehensive Training, submitted the Kansas Department of Commerce, Investment in Major Projects and Comprehensive Training (IMPACT) Annual Report, page 28.

Nadira Patrick, Manager, Kansas Economic Opportunity Initiative, submitted the Kansas Department of Commerce, Kansas Economic Opportunity Annual Report, page 28.

Alan D. Conroy, Executive Director, Kansas Public Employees Retirement System, submitted the required annual report regarding KPERS Investments in Sudan, page 28.

Attorney General Derek Schmidt submitted the 2016 annual report of the Kansas State Child Death Review Board, page 28.

Dennis Mesa, Executive Director, Kansas Housing Resources Corporation, submitted the financial statement for the fiscal year ending June 30, 2016, page 28.

Molly McGovern, Administrator, Kansas and Missouri Metropolitan Culture District Commission, submitted the 2014-15 Comprehensive Annual Financial Report, page 28.

Tim Shallenburger, President, Kansas Development Finance Authority, submitted the annual financial report from fiscal years 2015 and 2016, page 28.

Attorney General Derek Schmidt, submitted the statistical report indicating the number of concealed carry licenses issued, revoked, suspended and denied during the preceding fiscal year, page 28.

Attorney General Derek Schmidt, submitted the fiscal year 2016 annual report of the Abuse, Neglect, and Exploitation Unit, page 28.

Bob Page, President and CEO, The University of Kansas Hospital, submitted the annual report, page 28.

Kristen Basso, Communications Officer, Kansas Public Employees Retirement System, submitted the Comprehensive Annual Financial Report for fiscal year 2016, page 28.

Scott W. Miller, Director of Investments, Kansas Pooled Money Investment Board, submitted the Annual Report for Fiscal Year 2016, page 28.

Submitted for confirmation by Attorney General Derek Schmidt: Suzanne Valdez, Crime Victims Compensation Board, page 34.

Molly McGivern, Administrator for the Bi-State Commission, submitted the 2014-2015 Comprehensive Annual Financial Report for the Kansas and Missouri Metropolitan Culture District Commission, page 34.

Ron Estes, Kansas State Treasurer, submitted the 2016 Annual Report for the Kansas State Treasurer's Office, page 34.

Robert Brock, Director of Unmanned Aerial Systems (UAS), Kansas Department of Transportation, submitted the Kansas UAS Strategic Plan as set forth in Senate Bill 249, page 34.

Kirk D. Thompson, Director, submitted the 2016 State Forfeiture Fund 2016 Annual Report of the Kansas Bureau of Investigation, page 55.

Timothy E. Keck, Acting Secretary of the Kansas Department for Aging and Disability Services, submitted the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program report, page 55.

Jon A. Roberts, Chair, submitted the 2016 Annual Report of the Central Interstate Low-Level Radioactive Waste Compact, page 55.

Elaine Frisbie, Kansas Board of Regents, submitted the Board of Regents annual report on Exceptions to the Minimum Admission Standards at State Universities, page 57.

Superintendent, Mark A. Bruce, submitted the Kansas Highway Patrol report regarding state forfeiture funds, page 59.

Executive Director, Lori Cameron, submitted the 2015-2016 Year-in-Review report of the Energy Council, page 73.

Attorney for the Authority, James R. Hubbard, submitted the Johnson County Educational Research Triangle Authority annual report, page 108.

Commissioner of Insurance, Ken Selzer, submitted the 2016 Annual Report of the Kansas Workers Compensation Fund, page 111.

Attorney General, Derek Schmidt, submitted the annual report of the Attorney General's State Medicaid Fraud Forfeiture Fund, page 122.

Kansas Attorney General, Derek Schmidt, submitted the fiscal year 2016 annual report of the Crime Victims Compensation Board, page 140.

State LTC Ombudsman, Barbara J. Hickert, submitted the Kansas Long-Term Care Ombudsman Annual Report for FY 2016, page 166.

Senator Wagle established the **Select Committee on Education Finance** with the appointments of: Senator Denning, Chairperson; Senator McGinn, Vice-Chairperson; Senator Hensley, Ranking Minority Member; Senator Baumgardner, Senator Bollier, Senator Estes, Senator Goddard, Senator Kerschen, and Senator Pettey as members, page 227.

Secretary of State of the State of Kansas, Kris W. Kobach, certifies that Richard Hilderbrand, Galena, was appointed by the Governor effective April 30, 2017, to fill the vacancy created by the resignation of Senator Jake LaTurner, page 506.

Executive Director, Ruth Glover, submitted the Kansas Human Rights Commission Annual Report Fiscal Year 2016, 1047.

CONFIRMATION OF APPOINTMENTS

Consideration of confirmation of appointments: pages 46, 47, 48, 49, 50, 111, 191, 192, 294, 295, 423, 424.

MESSAGES FROM THE GOVERNOR

Executive Directive Nos. 16-471 and 16-472, Authorizing Personnel Transactions and Expenditure of Federal Funds; Executive Directive Nos. 16-473 through 16-477, Authorizing Expenditure of Federal Funds; Executive Order No. 16-02, rescinding Executive Order 15-04, dated June 30, 2015, page 29.

Submitting for confirmation: Shari Fesit Albrecht, Commissioner, Kansas Corporation Commission; Casey Lair, Member, Pooled Money Investment Board, page 31.

Submitting for confirmation, Roman Rodriguez, Member, State Board of Indigent Defense Services; David Moses, Member, Racing and Gaming Commission; Joseph Norwood, Secretary, Department of Corrections, page 31.

Submitting for confirmation: Norman Pishny, Member, State Banking Board; Barbara J. Hickert, Long-term Care Ombudsman; Dr. Kirk Benson, Member, University of Kansas Hospital Authority; Joshua Hofer, Public Member, Public Employee Relations Board; Debra Beavers, Director, Alcoholic Beverage Control, KDOR; Rodney Miller, Member, Pooled Money Investment Board; Beverly Gossage, Public Member, State Board of Indigent Services; Kurt Knutson, Member, State Banking Board, page 32.

Submitting for confirmation: Tim Keck, Secretary Kansas Department of Aging and Disability Services; Richard Carlson, Secretary, Kansas Department of Transportation, page 33; Dr. Romano Delcore, Member, University of Kansas Hospital Authority, page 33.

Submitting for confirmation: Frank Carson, Member, State Banking Board, page 34.

Submitting for confirmation, Michelle Bowman, Commissioner, Office of the State Bank Commissioner, page 57.

Submitting for confirmation: Samuel Williams, Secretary, Kansas Department of Revenue, page 76.

Submitting the Compact Relating to Cigarette and Tobacco Sales, Taxation and Escrow Collection with the Kickapoo Tribe in Kansas as of December 21, 2016, page 79.

Submitting for confirmation: Kelly Arnold, Member, Kansas Public Employee's Retirement System; Nancy Toelkes, Member, Kansas Development Finance Authority; Ron Mason, Judge, Kansas Board of Tax Appeals; Arlen Siegfried, Chief Hearing Officer, Kansas Board of Tax Appeals, page 239.

Submitting for confirmation: Colonel John Rueger, Brigadier General, Kansas National Guard; Colonel David Weishaar, Brigadier General, Kansas National Guard, page 240.

Submitting the Compact Relating to Cigarette Sales, Taxation and Escrow Collection with the Sac and Fox Nation of Missouri in Kansas and Nebraska as of March 10, 2017, page 255.

VETO MESSAGES

Veto message regarding **SB 30**, concerning taxation; relating to sales and compensating use tax, collection and distribution thereof, STAR bonds; income taxation, determination of Kansas adjusted gross income, modifications, rates, itemized deductions and credits; amending K.S.A. 2016 Supp. 12-17,165, 12-17,179, 79-32,110, 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, page 1010. Veto overridden, page 1011.

SPECIAL EVENTS AND GUESTS

Secretary of State Kris Kobach recognized Kourtney Martin, daughter of Senator Dennis Pyle, who sang the Lord's Prayer, page 3.

Secretary Kobach introduced the Honorable Marla Luckert, Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly-elected Senators, page 3.

Senator Wagle introduced Dr. Lynn Fisher, President of the Kansas Academy of Family Physicians. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the statehouse during Session, page 9.

Vice President Longbine introduced new staff serving in the Senate: Ben Stringer, Reader, Carol Benoit, Assistant Sergeant at Arms, Tom Horton and Tom Noble, Doormen, and Cheryl Masters, Desk Clerk, page 30.

Senator Wagle introduced guest chaplain Reverend Gary Roten from Emmanuel Baptist Church, Topeka, page 43.

Senator Hensley honored Tim Graham for his years of dedicated service to the Senate Democratic Leader, the Senate Democratic Caucus and the people of Kansas. Also introduced were Amalia Graham, Reid Graham, Wayne Graham, Sharon Graham and Lillie Mendez, page 44.

Senator Tyson rose on a Point of Personal Privilege to recognize David Adam LaRoche, a former American professional baseball first baseman who played 12 seasons in Major League Baseball, page 52.

Senator Doll congratulated Coach Jeff Sims for receiving multiple national coach of the year honors, page 53.

Senator Hawk rose on a Point of Personal Privilege to recognize Jack Lindquist and members of the Flint Hills Regional Leadership program which was begun 25 years ago, page 56.

Senator Wagle introduced guest chaplain Father Mitchel M. Zimmerman, Director/Chaplain, St. Lawrence Catholic Campus Center at the University of Kansas, page 60.

Senator Pilcher-Cook honored pregnancy maintenance resource centers in Kansas and across the United States, page 62.

Senator Baumgardner introduced and congratulated the 2017 Kansas Teacher of the Year, Jason Sickel, Blue Valley USD 229 and the regional finalists: Kristine A. Bruce, Auburn-Washburn USD 437; Jennifer M. Farr, Geary County USD 475; Jonathan Ferrell, Shawnee Mission USD 512; Crystal May, Maize USD 266; Maret Schrader, Seaman USD 345; Lori J. Stratton, Wamego USD 320; and Brent M. Wolf, Derby USD 260, page 71.

Senator Bowers rose on a Point of Personal Privilege to introduce Michael Martin Murphey who sang the Kansas state song "*Home on the Range*", page 107.

Senator Alley rose on a Point of Personal Privilege to recognize Gina Hoffman, South Central Region Special Education Teacher of the Year. Also introduced were Roy Hoffman and Jaci Hoffman, page 113.

Senator McGinn recognized February 3, 2017, as National Wear Red Day, page 121.

Senator Baumgardner congratulated and commended individuals selected as award-winning Milken Educators, page 127.

Senator Pettey congratulated and commended Ray Lipovac's fifth grade class at Stoney Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program, page 138.

Senator Pettey congratulated and commended Kristina Kidwell's third grade class at Whittier Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program, page 139.

Senator Wagle introduced guest chaplain, Reverend Elias B. Bracamonte, Associate Pastor, Emmanuel Baptist Church in Topeka, page 143.

Senator Faust-Goudeau introduced Olympic boxer and Wichita native, Nico Hernandez and his parents Lewis and Chello Hernandez, and other guests, page 154.

Senator Wagle introduced guest chaplain, Pastor Theodis Williams, True Holiness Family Church in Topeka, page 159.

Senator Estes rose on a Point of Personal Privilege to introduce JAG-Kansas (Jobs for Americas Graduates) students and their Career Specialists, page 160.

Senator Tyson rose on a Point of Personal Privilege to recognize Eagle Scouts Isaac Kubasko, Aaron Kubasko, Nathan Wiltsey and Sam Wood, page 160.

Senator Schmidt introduced Washburn University men's basketball head coach Bob Chipman, page 161.

Senator Schmidt recognized February 2017 as Self-Care Month, page 1676.

Senators Faust-Goudeau and Haley honored the members of Delta Sigma Theta Sorority: Sue Wilson, Emile McGill, Rita Holmes-Bobo, Jill Hall, Vertis Johnson, Frankie Sheffield, Trudy Baker, Kameelah Alexander, Mary Breckenridge, Brooke Burrough, Marcia Carson, Joyce McCulloch, Gloria Williams, Sierra Martin, Lawanda Holt Fields, Tamara Huff-Johnson, Alicia Thompson and Keaya Cox, page 168.

Senator Lynn rose on a Point of Personal Privilege to introduce American Field Service scholarship students paging in the Senate today. Guests included Alessia Sora (Italy), Pascal Zabel (Germany), Hiba Kondah (Morocco), Nada Mahfouz (Egypt), Abdullah Abuomar (Jordan) and Nurul Zamzami (Indonesia), page 201.

Senator Longbine introduced guest chaplain, Pastor Carl Frazier, Southwest Baptist Church, page 213.

Senator Wagle introduced guest chaplain, Reverend Charlie Smith, First Presbyterian Church, Salina, page 216.

Senator Longbine recognized the Kansas Lottery and its tremendous success these past 30 years, page 218.

Senator Schmidt recognized the Boys and Girls Clubs across Kansas for the outstanding services they provide for young people and their families. The 2017 Youth of the Year contestants were introduced: Ivy Auletti, Boys & Girls Club of Manhattan; Zion Bowlin, Boys & Girls Club of Lawrence; Christopher Burrell, Boys & Girls Club of South Central Kansas; Mikayla Keeling, Boys & Girls Club of Topeka; Hannah Lamson, McConnell Air Force Base Youth Program; Evelyn Leyva, Boys & Girls Club of Hutchinson; Celeste Nicole Marchbanks, Fort Leavenworth Youth Services; and Juleonna Breann Stevenson, Boys & Girls Club of Coffeyville, page 218.

Senators Holland and Fitzgerald rose on a Point of Personal Privilege to introduce Southern Leadership Development and Leadership Leavenworth-Lansing members, page 222.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize International Women's Day activities being held across the country March 8, page 223.

Senator McGinn recognized March 2017 as Brain Injury Awareness Month. Guests introduced were Tim Keck and Cari Anne Cashion, page 224.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize members of the Kansas Silver Haired Legislature, page 225.

Senators Faust-Goudeau and McGinn honored members of Donate Life Kansas, in recognition of donor transplantation, page 225.

Senator Lynn recognized the Olathe Northwest High School Robotics 1710 Team. Guests introduced were Cole Brabec, Jordan Love, Kanisa Goss, Neel Patel, CeCe Miller, Markus Beccera, Charly Want, Melanie Hiradi, Jerusha Rowden and coaches Ladina Wingfield, Jean Melech and Darren Worcester, page 226.

Senator Berger recognized individuals shadowing Senators today. Guests introduced were Gage Schoenhoff – Senator Estes; Aaron Soellner – Senator Billinger; Emily Harner – Senator Bollier; Samantha Ryan – Senator Faust-Goudeau; Hannah Schoenecker – Senator Francisco; Aurora Roberts – Senator Lynn; and Damien Espinosa – Senator Berger, page 226.

Senators Kelly and Longbine commemorated the 150th anniversary of the Wamego First United Methodist Church. Guests introduced were Rev. Michael Tomson-DeGreeff, Teresa Weixelman, David Mize and Janette Mize, page 227.

Senator Wagle introduced guest chaplain Captain Scot Kerns, Wing Chaplain, Kansas Wing Civil Air Patrol, page 241.

Senator Bowers rose on a Point of Personal Privilege to recognize members of the Kansas Wing Civil Air Patrol visiting the Capitol, page 241.

Senators recognized the 2017 Kansas Small Business Development Center's Emerging Businesses of the Year: Cowgirl Creations and Design in St. Francis, Kansas, owned by Allison Grice; Gorilla Country in Pittsburg, Kansas, owned by Steve Scott; HECO Heating & Cooling, LLC, in Liberal, Kansas, owned by Rafael Figueroa; Limestone Pizza Kitchen Bar in Lawrence, Kansas, owned by Debbie Rascoll and Rick Martin; Mulready's Pub in Emporia, Kansas, owned by Rick Becker; Reverie Coffee Roasters in Wichita, Kansas, founded by Andrew Gough; Sprout Communications in Topeka, Kansas, owned by Caleb Asher; and Town Square in Paola, Kansas, owned by Michelle A. Kaiser, page 243.

Senators recognized the 2017 Kansas Small Business Development Center Existing Businesses of the Year: Audacious Boutique in Iola, Kansas, owned by Kelly Sigg; Heartland Mill, Inc., in Marienthal, Kansas, owned by Mark Nightengale; Jason Wright Electric in Olathe, Kansas, owned by Jason Wright; Primary Color Music in Lawrence, Kansas, owned by Sam Billen; PWI, Inc., in Wichita, Kansas, owned by Judy Baldwin and Robi Lorik; Quality Profile Services, Inc., in Council Grove, Kansas, owned by John and Karen True; Second Chance Ranch in Goodland, Kansas, owned by Todd Trzcinski; and Toto's Tacos! in Wamego, Kansas, owned by Craig and Colleen Lord, page 243.

Senators recognized the 2017 Kansas Small Business Development Center Exporting Business of the Year: GT Manufacturing, Inc., in Clay Center, Kansas, owned by James Sampson and Dennis Pedersen, page 243.

Senator Billinger honored the 50th anniversary of the Valley Hope Treatment Center and recognized Valley Hope CEO Pat George and members of the Valley Hope staff, page 244.

Senator Hardy rose on a Point of Personal Privilege to recognize members of the award-winning Abilene Cowboys wrestling team and Coach Stout, page 246.

Senators honored the 2017 Kansas Master Teachers: Brandy Lane, a sixth grade teacher at Pauline South Intermediate School in Wakarusa; Kimberly Hett, a fifth grade teacher at Andover eCademy in Andover; Jennifer Hendrix, a physics teacher at Dodge City High School in Dodge City; Laura Schwinn, an A/V communications teacher at Emporia High School in Emporia; Joan Hayden, a physical education teacher at Fort Riley Middle School in Fort Riley; Melinda Eitel, a kindergarten teacher at Grace E. Stewart Elementary School in Salina; and John Butcher, an art teacher at Blue Valley

Northwest High School in Overland Park. Other guests introduced were Ken Weaver, Brian Denton, Luci Eusey and Allison Garrett, page 248.

Senators commended the faith leaders of Kansas for their dedication and commitment to improving lives, page 248.

Senator Olson honored the lives of Srinivas Kuchibhotla, Alok Madasani, Ian Grillot and Sam Goodrich for their unwavering love for the United States of America, page 252.

Senator Haley honored the life and public service of John William Crutcher, page 253.

To commemorate Saint Patrick's Day, Vice President Longbine introduced former Senator Richard Gannon who played traditional Celtic music on the bagpipes. Senator Gannon served in the Senate from 1977 to 1988, page 291.

Senator Doll honored the Garden City High School girls bowling team, Coach Kip Nichols and Assistant Coach Bethany Howard, for winning the 2017 Kansas State High School Class 6A State Bowling Championship. Team members were Madison Farr, senior and captain; Karly Larson, freshman; Angelina Leeper, freshman; Alexis Leon, sophomore; Faith Whited, sophomore; and Ryleigh Whitehurst, sophomore, page 294.

Senator Wagle introduced Reverend LeSean Tarkington, Grant Chapel AME Church in Wichita, page 300.

Senators Hensley, Kelly and Schmidt congratulated and commended Reverend Shirley D. Heermance and the members of St. Mark's African Methodist Episcopal (A.M.E.) Church for receiving an African American Civil Rights Grant from the United States National Park Service. Guests introduced were Vance Kelley, Dannette Jackson, Betty Moore, Diann Boldridge, Foster Chisholm, Karlene Williams, Terry Crowder, Howard Harvey, Lana Fay Barber and Carolyn Campbell, page 301.

Senators Rogers, Alley, Estes, Faust-Goudeau, Hardy, McGinn, Petersen and Wilborn commemorated the 150th anniversary of the historic Chisholm Trail, page 302.

Senator Billinger rose on a Point of Personal Privilege to recognize Gerard Wellbrock who has been with KAYS (Eagle Radio) since 1992, and is in his 15th season as the play-by-play Voice of the Fort Hays State Tigers. He was named 2016 "Kansas Sportscaster of the Year" by the National Sports Media Association. Gerard has also been the recipient of numerous other broadcasting awards and is a member of a variety of community outreach organizations in Hays, page 309.

Senators Kelly, Hensley and Schmidt congratulated and commended the Topeka and Shawnee County Public Library for being named Library of the Year by Library Journal. Guests introduced were Gina Millsap, James Marvin, Laurel Leamon, Duane Johnson, Jim Edwards, Betty Greiner, Liz Post, Melissa Masoner, Nancy Lindberg, Mary Campbell, Linda Hayse, Sherryl Longhofer, Jill Marvin and others seated in the gallery, page 311.

Senator Longbine introduced guest chaplain, Reverend Dr. Martha Murchison, Sunrise Presbyterian Church, Salina, page 350.

Senators Bollier and Kelly recognized outreach efforts of the Department of Health and Environment and the Kansas Department for Aging and Disability Services to education the public concerning influenza, page 351.

Senator Wilborn commemorated Bethany College's 135 years of educational service to the City of Lindsborg and to the entire state of Kansas, page 358.

Senator Hensley congratulated and commended the Coach Steve Wallace and the members of the Shawnee Heights High School boys basketball team for winning the 2017 Kansas State High School Activities Association Class 5A Championship. Members of the championship team were Trey Brown, Tyce Brown, Michael Brooks,

Ben Buchanan, Grant Cooney, Poncho Freeman, Dane Grabauskas, Michael Hoffer, Jerome McFalls, Jesse Moss, Tyler White and Tyler Zentner; assistant coaches Mike Nash, Matt Shulman and Jeni Daley; team managers Hayli Daughtery and Sierra Jones, page 370.

Senator Hensley congratulated and commended Coach Laura Curry and members of the Shawnee Heights High School volleyball team for winning the 2016 Kansas State High School Activities Association Class 5A Volleyball Championship. Members of the team were Megan Cooney, Faith Rottinghaus, Jazz Sweet, Amaya Tillman, Valerie Golder, Lydia Ostenson, Hannah Wilson, Kirsten Johnson, Abbey Fischer, Briley Ginter, Mickey Murphy, Jaycee Ginter and Megan Stretton; assistant coaches Sara Brun, Danielle Faylor and Kayla Moylan; team managers D'Mya Valdivia and Kelsey Riedel, page 371.

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. Guests introduced were Prisca Barnes, Director; Lai-L Daugherty, Rev. Bobby Love and Chase Bowman, page 372.

Senator Doll congratulated and commended the 2017 Hugoton High School girls basketball team for winning the 2017 Kansas State High School Activities Association Class 3A Championship. Members of the Lady Eagles include Brooklyn Harper, Dallie Hoskinson, Laney Hoskinson, Sydney Hein, Jacquelynn Armendariz, Amy Scott, JoHanna Rawlins, Melissa Fabela, Britta Beesley, Marisol Don Juan, Kathryn Heger and Rebecca Johnson; team managers Luz Romo and Hanna Coziahr; head coach Andy Gillen; and assistant coaches Jeff Ramsey and Keenan Thompson, page 373.

Senator Doll congratulated and commended the Holcomb High School boys basketball team for winning the 2017 Kansas State High School Activities Association Class 4A-Division II Championship. Members of the Longhorns include Michael Roth, Brandon Stegman, Steven Crain, Devin Mader, Garrett Williams, Trey Gilbert, Carter Blackburn, Caleb Clumsky, Zeke Leyva, Conner Vancleave, Damon Kepley and Kobe Dickson; team managers Paden Cornelsen and Kaden Tichenor; head coach Chad Novack, who earned the Garden City Telegram's All-Area Coach of the Year honor; and team managers Paden Cornelsen and Kaden Tichenor, page 373.

Senator Goddard commemorated the reactivation of the 924th Air Refueling Squadron under the 931st Air Refueling Wing at McConnell Air Force Base on April 2, 2017. Guests introduced were Colonel Caroline Evernham, Lt. Colonel Terrence McGee, SM Sgt. James Guldjord and TSGT Abigale Klein, page 396.

Senator Berger congratulating and commending the Hutchinson Community College men's basketball team for winning the 2017 National Junior College Athletic Association Division I National Championship. Members of the team include: Shakur Juiston, who was named Tournament MVP; James Conley; Devonte Bando; Tiyler Cotton; Fatir Hines; Samajae Haynes-Jones, who was named to the All-Tournament team; J.J. Rhymes, who was named to the All-Tournament team; Dabon Gill; Sal Nuhu; Roman Young; Kai Mitchell; Randall Douvier; Trent Webster; Nikola Scekcic; and Kyle Patrick. Steve Eck is the head basketball coach for the Blue Dragons; assistant coaches are Jay Cyriac and Cortland Carney, page 397.

Senator Wagle introduced guest Chaplain, Elias B. Bracamonte, Associate Pastor, Emmanuel Baptist Church in Topeka, page 433.

Senator Hardy rose on a Point of Personal Privilege to recognize the coaches and team members of the Salina Sacred Heart High School boys basketball team as the 2017 2A State Champions, page 470.

Senator Kerschen rose on a Point of Personal Privilege to honor Senate Chaplain, Reverend Cecil T. Washington and his wife Audrey. Senate spouses recognized Chaplain Washington for his work with the PALS (Prayers Answered, Lives Saved) Bible-based, 12 step program for those suffering from addiction, page 470.

Senator Denning rose on a Point of Personal Privilege to recognize members of the Kansas Federation of Republican Women visiting the Capitol, page 487.

Senator Wagle introduced guest Chaplain, Pastor Joshua Buford, Major, Kansas National Guard, guest chaplain, page 506.

Senator Wagle introduced guest Chaplain, Reverend Scott Schaefer, Senior Pastor of Cornerstone Bible Fellowship in Winfield, Kansas, page 509.

Senator Baumgardner congratulating and commending the Louisburg High School marching band for receiving an invitation to perform in the Rose Parade in Pasadena, California, on January 1, 2018, page 509.

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce Brilliant Lengeju, Princess of America Miss Kansas Teen 2017-2018. She was accompanied by her mother, Sein Langeju, page 547.

Senator Lynn congratulated and commended the Olathe Northwest High School Raven Dance Team for winning their eighth consecutive national title. Members of the varsity team are: Brooke Allen, Amy Anderson, Skylar Batty, Chloe Bartels, Avery Boland, Mady Cole, Alexis Cross-Tunley, Andie Dain, Destane Doughty, Kennedy Dyro, Sarah Glass, Abby Good, Taylor Lang, Jade Osborn, Jiani Osborn, Alexandra Privat, Grace Rasmussen, Lily Riederer, Haley Scalabrin, Layne Steffen, Gabby Thomas, Carley Uhl, Olivia Whitenack and Molly Winegar. Team dances are choreographed by head coach, Shannon Summers, and assistant coach, Alison Krumbiegel, page 548.

Senator Taylor rose on a Point of Personal Privilege to recognize Susan Givens, Kansas 2017 Superintendent of the Year. She is currently Superintendent of the El Dorado school district. Susan is the wife of Senator Bruce Givens, page 595.

Senators Kelly and Schmidt congratulated and commended Zeke Metz for his accomplishments during the 2016-2017 swimming season, page 596.

Senators Kelly, Hensley and Schmidt congratulated and commended the Washburn University debate team for competing in the 24th Annual National Parliamentary Debate Association National Championship held in Colorado Springs, Colorado. Three Washburn students were ranked among the best 100 collegiate parliamentary debaters in the United States: Senior Kaitlyn Bull, second; senior Quintin Brown, third; and senior Ryan Kelly, fourth. The debate team is sponsored and coached by Dr. Kevin O'Leary, Director of Forensics and lecturer of Communications Studies at Washburn University, page 597.

Senators commemorated the 80th anniversary of the American System of Conservation Funding, page 620.

Senator Fitzgerald rose on a Point of Personal Privilege to recognize Megan Erzen, Madison Bowers, Grace Woods and Riley Faulk, Leavenworth County High School students whom have been instrumental in working with literacy causes for young children, page 632.

Senator Fitzgerald recognized Melissa LaGree, Leavenworth County Civic Leader of the Year, page 632.

Senators commemorated the 100th anniversary of city management in Kansas and designated June 18, 2017, as 100th Anniversary of City Management in Kansas Day, page 654.

Senators McGinn, Faust-Goudeau, Kerschen, Masterson, Petersen, Rogers, Suellentrop and Wagle honored the life of M.S. "Mitch" Mitchell for his years of service to the city of Wichita as Flood Control and Maintenance Supervisor for the City-County Flood Control Office, Assistant Superintendent of Public Works and Maintenance, and Superintendent of Flood Control, page 655.

Senators Rogers, Alley, Berger and Givens congratulated and commended the Kansas Association of School Boards on its 100th year of serving education leaders and inspiring student success, page 704.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize members of the World Mission Society Church of God. Introduced were Kwang Su Park, Hongyeal Lee, Michael Musni, Levi Cramer and Ruby Marron, page 717.

Senators Berger, Hilderbrand and Taylor congratulated and commended the 2016-2017 Kansas Distinguished Financial Educator Award recipients: Aaron Dirks of Scott Community High School; Vicki Galloway of Haven Schools, and Lisa Ward of Fort Scott High School, page 729.

Senators Hensley and Wagle recognized Sharon Wenger's dedicated service to the State of Kansas and, in particular, the Kansas Legislature. Also introduced was Sharon's husband, Bob, page 732.

Senator Berger commemorated the 100th anniversary of Boy Scout Troop 301 of Hutchinson, page 750.

Senator Longbine introduced guest chaplain, Reverend Jeff Clinger, First UMC, Topeka, page 754.

Senator Pettey congratulated and commended the Turner High School boys swimming and diving team for winning their first state championship event. Members of the relay team are Seniors Gabe Pena, Thomas Xiong and Ashton Chowning; and junior Ethan Harrity. The team is led by coaches Ryan Lee and Sophie Pena. Dr. Alan Penrose is the proud principal of Turner High School, page 754.

Senators Hensley and Wagle commemorated May 29, 2017, as the 100th anniversary of the birth of President John Fitzgerald Kennedy, page 759.

Senators recognized Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas, page 803.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Martha Dorsey who is retiring after 16 years working in the Kansas Legislative Research Department, page 823.

Senator Givens congratulated and commended the Butler County Community College Grizzlies softball team. Members of the team are Caylie Kifer; Brynn Minor; Ki'Audra Hayter; Reagan Wilson; Tyesha Morgan; Chloe Holman; Beanie Luttig; Becca Schulte; Allison Jurgensen; Paige Pacher; Celina Sullivan; Tamarah Mascher; Regan Mergele; Alexis Reed; Kenzie Young; Nykiah Hines; Darrienne Hale; and Maddie Siemer. The team is led by head coach Doug Chance and assistant coaches Zach Sigler; Jeff Filali; and Matt Sanders, page 823.

Senator Hilderbrand congratulated and commended the Pittsburg State University Women's Outdoor Track and Field team for capturing the 2016 National Collegiate Athletic Association (NCAA) Division II Women's Outdoor Track and Field Championship, page 824.

Senator Wagle introduced Father John Pilcher, Mater Dei Catholic Church in Topeka, page 828.

Senators Tyson and others introduced a resolution urging President Donald J. Trump to grant a full pardon to Shane Cox and Jeremy Kettler, page 1011.

Senator Berger rose on a Point of Personal Privilege to request a moment of silence for Representative Patsy Terrell, who passed away unexpectedly June 7, 2017, page 1016.

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Minority Party Caucus report from Senator Anthony Hensley, Chairperson, submitting names of officers of the Minority Party, page 5.

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- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Masterson, Ty

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1724 Congratulating and commending the 2017 Kansas Master Teachers.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1747 Honoring the life of M.S. "Mitch" Mitchell.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

McGinn, Carolyn

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1708 Recognizing February 3, 2017, as National Wear Red Day.
- SR 1719 Recognizing March 2017 as Brain Injury Awareness Month.

- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1730 Commemorating the 150th anniversary of the historic Chisholm Trail.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1747 Honoring the life of M.S. "Mitch" Mitchell.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

Olson, Robert

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1726 Honoring the lives of Srinivas Kuchibotla, Alok Madasani, Ian Grillot and Sam Goodrich for their unwavering love for the United States of America.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Petersen, Mike

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1730 Commemorating the 150th anniversary of the historic Chisholm Trail.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1746 Commemorating the 100th anniversary of city management in Kansas.
- SR 1747 Honoring the life of M.S. "Mitch" Mitchell.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Petty, Pat

- SB 8 Providing for canvassing of advance voting ballots mailed on the date of the election.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SB 176 Kansas buy American act.
- SB 177 Hiring Kansans first.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SR 1710 Congratulating and commending Ray Lipovac's fifth grade class at Stony Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through I Am Here.
- SR 1711 Congratulating and commending Kristina Kidwell's 3rd grade class at Whittier Elementary School, Ray Lipova's 5th grade class at Stony Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1746 Commemorating the 100th anniversary of city management in Kansas.
- SR 1752 Congratulating and commending the Turner High School in Kansas City for winning their first state championship event in boys swimming and diving.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

Pilcher-Cook, Mary

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.

Pyle, Dennis

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.

- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Rogers, Lynn

- SB 8 Providing for canvassing of advance voting ballots mailed on the date of the election.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatome state hospital privatization prohibition amendments.
- SB 176 Kansas buy American act.
- SB 177 Hiring Kansans first.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SR 1712 Congratulating and commending Olympic boxer and Wichita native, Nico Hernandez, for winning a bronze medal at the 2016 Rio Olympic Games.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1730 Commemorating the 150th anniversary of the historic Chisholm Trail.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1746 Commemorating the 100th anniversary of city management in Kansas.
- SR 1747 Honoring the life of M.S. "Mitch" Mitchell.
- SR 1748 Congratulating and commending the Kansas Association of School Boards on its 100th year.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

Schmidt, Vicki

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatome state hospital privatization prohibition amendments.
- SR 1713 Congratulating and commending Washburn University men's basketball head coach, Bob Chipman, on a successful career.
- SR 1714 Recognizing February 2017 as Self Care Month
- SR 1718 Recognizing the Boys & Girls Clubs across Kansas for the outstanding services they provide young people and their families.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1724 Congratulating and commending the 2017 Kansas Master Teachers.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1729 Congratulating and commending Reverend Shirley D. Heermance and the members of St. Mark's African Methodist Episcopal Church.
- SR 1731 Congratulating and commending the Topeka and Shawnee County Public Library for being named Library of the Year by Library Journal.

- SR 1743 Congratulating and commending Zeke Metz for his accomplishments during the 2016-2017 swimming season.
- SR 1744 Congratulating and commending the Washburn University Debate Team.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

Skubal, John

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1746 Commemorating the 100th anniversary of city management in Kansas.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

Suellentrop, Gene

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1721 Recognizing the Kansas Small Business Development Center's 2017 Businesses of the Year.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1747 Honoring the life of M.S. "Mitch" Mitchell.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Sykes, Dinah

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.

- SR 1746 Commemorating the 100th anniversary of city management in Kansas.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.

Taylor, Mary

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomee state hospital privatization prohibition amendments.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1746 Commemorating the 100th anniversary of city management in Kansas.
- SR 1749 Congratulating and commending the 2016-2017 Kansas Distinguished Financial Educator Award recipients.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Tyson, Caryn

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomee state hospital privatization prohibition amendments.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Wagle, Susan

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SCR 1601 Committee to inform governor that the two houses of the legislature are duly organized and ready to receive communications.
- SCR 1606 Adjournment of the senate and house of representatives for a period of time during the 2017 regular session of the legislature.
- SCR 1608 Adjournment of the legislature for a time during the 2017 session.
- SR 1701 Organization of the Senate, 2017.
- SR 1702 Assignment of seats in Senate, 2017.
- SR 1703 Rules of the Senate, 2017-2020.

- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1740 Assignment of seats in the Senate, 2017.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1747 Honoring the life of M.S. "Mitch" Mitchell.
- SR 1750 Recognizing Sharon Wenger's service to the State of Kansas.
- SR 1753 Commemorating May 29, 2017, as the 100th anniversary of the birth of President John Fitzgerald Kennedy.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

Wilborn, Rick

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SR 1706 Honoring pregnancy maintenance resource centers in Kansas and the United States.
- SR 1723 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1725 Commending the faith leaders of Kansas for their dedication and commitment to improving lives.
- SR 1730 Commemorating the 150th anniversary of the historic Chisholm Trail.
- SR 1733 Commemorating Bethany College's 135 years of educational service to the City of Lindsborg and to the entire state of Kansas.
- SR 1745 Commemorating the 80th anniversary of the American System of Conservation Funding.
- SR 1746 Commemorating the 100th anniversary of city management in Kansas.
- SR 1754 Recognizing Chancellor Bernadette Gray-Little's dedicated service to the University of Kansas and the State of Kansas.
- SR 1757 Urging President Trump to pardon Shane Cox and Jeremy Kettler.

State Legislature, Senate Committees (Various)

Agriculture and Natural Resources

- SB 24 Designating the channel catfish as the state fish of Kansas.
- SB 25 Removing the requirement for a public hearing to set cabin fees owned or operated by the department of wildlife, parks and tourism.
- SB 26 Increasing the vessel registration fee cap.
- SB 46 Water conservation area findings, notice and management plans.
- SB 47 Amending the Kansas pet animal act.
- SB 48 Remedies for the impairment of a valid water right or permit to divert and use water.
- SB 59 Updating provisions relating to weights and measures.

- SB 60 Extending the sunset of certain department of agriculture fees.
- SB 61 Relating to fees for dairy businesses and the processing of paper documents by the Kansas secretary of agriculture.
- SB 117 Allowing boards of county commissioners to declare the wild blackberry a noxious weed within counties.

Assessment and Taxation

- SB 28 Amending dates when certain reports due to department of revenue.
- SB 29 Allowing property tax exemption of certain federal property without an order of the board of tax appeals.
- SB 30 Changing definition reference in the Kansas retailers' sales tax act; the higher learning commission.
- SB 34 Concerning states eligible for foreign state debt setoff agreements and expanding the states eligible to any state or territory that has entered into a reciprocal agreement.
- SB 39 Permitted use of tax information in certain tax actions and proceedings; tax liens upon personal property; tax warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax.
- SB 54 Electronic cigarettes; definitions; enforcement of tax collections.
- SB 96 Enforcement of certain provisions of the cigarette and tobacco products act involving licenses, permits, records, unlawful acts and remittance of taxes and deposits.
- SB 97 Certain cash rebates on sales or leases of new motor vehicles not subject to sales taxation.
- Sub
 - SB 97 Relating to taxation, income tax, rates, modifications; sales and compensating use tax, food, rates.
- SB 111 Concerning Kansas sales and compensating use tax, administration and reporting requirements.
- SB 116 Repealing certain obsolete or expired sections relating to taxation.
- SB 129 Allowing a board of county commissioners to exempt certain property located in a federal enclave.
- SB 130 Electronic cigarettes, definitions, enforcement.
- SB 146 Continuation of 20 mill statewide levy for schools and property tax exemption of certain portion of property used for residential purposes from such levy.
- SB 147 Under Kansas income tax act; providing rate changes and determination of Kansas adjusted gross income and sunsetting certain modifications.
- SB 167 Property tax lid; cities and counties; repealed.
- SB 175 Income tax, rates, modifications, credits; cigarettes and tobacco products, rates; alcoholic beverages, liquor enforcement, rates; business entities, filing fees.
- SB 188 Under Kansas income tax act; providing rate changes, determination of Kansas adjusted gross income and sunsetting certain modifications, and itemized and standard deductions.
- SB 192 Under Kansas income tax act; providing rate changes, determination of Kansas adjusted gross income and sunsetting certain modifications, itemized deductions.
- SB 198 Requiring people with access to federal tax information to be fingerprinted.

Sub

- SB 198 Concerning the department of revenue; requiring people with access to federal tax information to be fingerprinted and allowing the conversion of certain driver's license examiners positions from classified to unclassified.
- SB 203 Adding Cowley county to the list of rural opportunity zones.
- SB 211 Income tax credit for certain purchases of good and services by a taxpayer from qualified vendors that provide employment to individual who are blind or severely disabled.
- SB 212 Directing the secretary of labor to submit a plan and negotiate an agreement for state enforcement of OSHA standards.
- SB 213 Providing for state income taxation of retirement contributions by certain employees of the state board of regents.
- SB 214 Income tax itemized deduction for certain medical expenses.
- SB 215 Concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions.
- SB 222 One-year moratorium on PEAK awards.
- SB 223 PEAK qualification distance requirements established and retention provision sunset accelerated.
- SB 224 Providing for a \$.05 increase in motor fuel taxes.
- SB 230 High performance incentive program, moratorium on income tax credits and sales tax exemptions.
- SB 231 Promoting the employment across Kansas act; moratorium on the award of benefits.
- SB 236 Income tax treatment of net operating loss carryback on the sale of certain hotels.
- SB 239 Making parts of the scrap metal theft reduction act unenforceable until January 1, 2019.
- SB 248 Creating the student opportunity scholarship program.
- SB 249 Property valuation of grain elevator facilities, deviation from appraisal guides.
- SB 252 Enacting the ad astra rural jobs act.

Commerce

- SB 90 Workers compensation impairment determination.
- SB 163 Kansas liquor control act and retailer's licenses.
- SB 185 Authorizing utility franchises for redevelopment districts which encompass a federal enclave.

Education

- SB 75 Adding an additional member to the board of trustees of Cowley county community college.
- SB 145 Amending the Kansas state high school activities association school classification system.
- SB 166 Exempting Cleveland university-Kansas City from the private and out-of-state postsecondary educational institution act.

Ethics, Elections and Local Government

Sub

- SB 8 Providing for the canvassing of advance voting ballots mailed on the date of an election.

- SB 11 Vacancy elections; United States representative to congress.
- SB 31 Rehabilitation of abandoned property by cities.
- SB 37 Elections; voting procedures where proof of citizenship not provided.
- SB 43 Vacancy elections; United States representative to congress; clarifications.
- SB 56 Streamlining filing requirements for reports of campaign contributions immediately preceding an election.
- SB 57 Easing communications with political campaign officers and party committees through requiring email addresses in reports to secretary of state.
- SB 58 Facilitating the identification of the sponsors of internet political campaign advertisements.
- SB 78 Elections; voting place changes; written notice to affected voters; emergency exception.
- SB 79 Elections; voter identification; affidavit in lieu of photo identification.
- SB 80 Campaign finance reports and statements; new acknowledgment.
- SB 81 Campaign finance; certain exemptions from filing reports.
- SB 118 Voter registration; departments of aging and disability services, children and families; labor and state board of education.
- SB 132 Regional system of cooperating libraries and board representatives.

Federal and State Affairs

- SB 53 Creating a permanent exemption for certain entities from the public buildings law under the personal and family protection act.
 - Sub
 - SB 53 Amending the personal and family protection act.
 - SB 55 Public construction contracts and performance and payment bonds.
 - SB 76 Professional occupations; restrictions on fees and licensing requirements.
 - SB 77 Wildlife, parks and tourism and the Bob Grant bison herd.
 - SB 83 Kansas propane safety and licensing act; definition change.
 - SB 84 Highway patrol; when certain appointments terminated; return to rank.
 - SB 85 Withholding life-sustaining treatment from patients under 18 years of age.
 - Sub
 - SB 85 Healthcare and information requirements concerning the withholding of cardio-pulmonary resuscitation from minors.
 - SB 86 Kansas open records act and openness in government.
- SB 102 Counties; abatement of nuisances; disposal of vehicles.
- SB 103 Secretary of State; political action committees prohibited.
- SB 104 Lobbyists; restrictions on tickets to events and meals for legislators.
- SB 105 Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.
- SB 106 Campaign finance; prohibiting certain campaign contributions by KanCare providers.
- SB 107 Authorizing the attorney general to establish a system of legal representation charges and collect such charges from state agencies.
- SB 108 Personal and family protection act and public employer liability.
- SB 133 Requiring e-verify for certain public contracts, enacting the Kansas employer e-verify accountability act.
- SB 134 Enhancing the penalty for misclassification of employees for purposes of evading taxes or unemployment insurance contributions.
- SB 135 Driver's license examiners; converted from classified to unclassified positions.
- SB 139 Exercise of religious freedom by postsecondary student associations; repealed.

- SB 140 Sales tax exemptions; Kansas dui impact center, inc.; active aging publishing inc.
- Sub
- SB 155 Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicine.
- SB 157 Kansas highway patrol; immigration agreement.
- SB 158 Prohibiting adoption of sanctuary policies by cities, counties and state agencies.
- SB 164 Club and drinking establishment act and the consumption of alcoholic beverages.
- SB 168 Kansas lottery; repeal sunset.
- SB 169 Kansas lottery; permit lottery ticket vending machines.
- SB 182 Requiring the state corporation commission to study certain issues relating to electric utilities.
- SB 183 Requiring the state corporation commission to implement retail electric choice.
- SB 199 Amending bond requirements for appeals in the code of civil procedure.
- SB 200 Open records act; criminal investigation records; missing persons.
- SB 201 Kansas consumer protection act; protected consumer to include member of the military.
- SB 202 Approving a compact between the Kickapoo Tribe in Kansas and the State of Kansas relating to cigarette and tobacco sales, taxation and escrow collection.
- SB 206 Creating the student privacy and protection act.
- SB 207 Amendments to the Kansas expanded lottery act relating to racetrack gaming facilities.
- SB 209 Electric utilities and billing standards.
- SB 218 Adult care home licensure and background check amendments.
- SB 219 Amending training requirements for security police officers employed by the Kansas department for aging and disability services.
- SB 220 Amending the Larned state hospital and Osawatomie state hospital catchment areas.
- SB 221 Amending the revised Kansas code for care of children and the newborn infant protection act and amending certain powers and duties of the secretary for children and families.
- SB 225 Exclude charitable poker games from the crime of gambling.
- SB 234 Amending requirements for certain consumer loan transactions.
- SB 237 Approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas relating to cigarette sales, taxation and escrow collection.
- SB 243 Reports relating to impaired health care providers.
- SB 250 Excluding members of the legislature and other elected officials from membership in KPERs.
- SB 254 Exemption from criminal possession of a gun silencer.
- SCR 1602 Constitutional amendment to prescribe revenue, expenditure and taxation limitations on state government.
- SCR 1605 Urging President Donald Trump to grant a full pardon to Shane Cox and Jeremy Kettler, who, as a result of federal government overreach, were unlawfully convicted of committing a crime.
- SCR 1607 Proposition to amend the Kansas constitution guaranteeing a right to life.
- SR 1715 Resolution urging comprehensive sex education curriculum in public schools.

- S Sub
- HB 2132 Port authority property sales.
- S Sub
- HB 2386 Amendments to the Kansas expanded lottery act relating to racetrack gaming facilities.

Financial Institutions and Insurance

- SB 14 Providing for limited lines insurance coverage of self-storage units.
- SB 15 Updating the effective date of risk based capital instructions.
- SB 16 Amending the insurance holding company act.
- SB 17 Enacting the fair access to insurance requirements plan act.
- SB 18 Amending the Kansas mortgage business act.
- SB 19 Enacting the credit for reinsurance model law.
- SB 20 Amending the state banking code.
- SB 21 Amending the Kansas money transmitter act.
- SB 22 Updating statutes relating to the regulation of third party administrators.
- SB 23 Consolidating criminal prosecutions for fraud and abuse under the jurisdiction of the attorney general and establishing the office of the securities commissioner as a division under the jurisdiction of the commissioner of insurance.
- SB 65 Allowing creditor sale of repossessed alcoholic liquors pledged as collateral for satisfaction of debt.
- SB 66 Mid-term appointments of state bank board members.
- SB 67 Granting state-chartered banks the power to purchase certain tax credits.
- SB 87 Amending the Kansas credit services organization act.
- SB 91 Increasing the deductible for certain participants of controlled insurance programs.
- SB 110 Authorizing the board of regents to provide supplemental health insurance coverage for certain state employees.
- SB 143 Establishing a notary public education course as a requirement for appointment.

Judiciary

- SB 10 Lien filings against public officials; prohibitions; notice; criminal penalties.
- SB 12 Amending residency restrictions for persons on transitional or conditional release under the Kansas sexually violent predator act.
- SB 13 Updating the code of civil procedure.
- SB 40 Creating a statutory procedure for an arrest without a warrant for a violation of an appearance bond condition.
- SB 41 Creating the crimes of assault of a public transportation employee and battery against a public transportation employee.
- SB 42 Clarifying criminal sentencing for certain persons subject to a mandatory minimum term of imprisonment.
- SB 50 Changing the membership of the advisory committee on uniform state laws and the joint committee on special claims against the state.
- SB 62 Amending citizen grand jury petition sufficiency and right to appeal.
- SB 63 Enacting the revised uniform fiduciary access to digital assets act.
- SB 71 Clarifying how to enforce an order for support against a person's workers compensation benefits.

- SB 72 Reporting and investigating abuse, neglect and exploitation of vulnerable adults.
- SB 73 Enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions.
- SB 92 Requiring certain custodial interrogations to be videotaped.
- SB 93 Revocation timeframe of drivers' licenses for certain offenses.
- SB 112 Reducing the penalty for unlawful possession of drug paraphernalia.
- SB 113 Making burglary of a dwelling a person felony.
- SB 114 Clarifying admissibility of certain tests for drugs or alcohol in proceedings under the revised Kansas code for care of children.
- SB 120 Updating references to the federal securities act of 1933 in the Kansas uniform securities act.
- SB 121 Enacting the Kansas protection of firearms rights act.
- SB 122 Increasing the penalty for certain violations of criminal discharge of a firearm.
- SB 123 Amending ignition interlock requirements for certain first time DUI-related offenses.
- SB 124 Amending factors considered in determinations of child custody, residency and parenting time.
- SB 125 Providing compensation to a person who was wrongfully convicted; providing compensation to the heirs of a person who was wrongfully executed.
- SB 136 Mandatory expungement of arrest records of a person arrested as a result of mistaken identity or identity theft.
- SB 141 Amending provisions relating to municipal appearance bonds.
- SB 149 Enacting rules for briefs in a criminal matter or postconviction case in the supreme court or court of appeals; relating to the attorney general.
- SB 150 Amending responsibilities for certain costs under the Kansas sexually violent predator act.
- SB 151 Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicines.
- SB 156 Amending the crime of creating a hazard to include leaving certain loaded firearms in a place accessible to children.
- SB 179 Amending human trafficking and related crimes; creating certain new crimes; requiring certain training for commercial driver's license applicants; addressing offender registration, expungement of juvenile adjudications and victim compensation.
- SB 180 Providing for law enforcement agencies to request and receive files concerning applicants previously employed by another state or local law enforcement agency.
- S Sub
- HB 2053 Enacting the crisis intervention act.
- S Sub
- HB 2197 Updating the code of civil procedure.

Public Health and Welfare

- SB 32 Medical student loan agreements for psychiatry.
- SB 33 Amending membership on the KanCare oversight committee.
- SB 51 Board of pharmacy emergency scheduling authority.
- SB 52 Adding and amending substances included in schedules I, II and V of the uniform controlled substances act.

- SB 68 Enacting the Kansas lay caregiver act.
- SB 69 KanCare process and contract requirements.
 - Sub
- SB 69 KanCare process and contract requirements.
- SB 82 Establishing restrictions on health insurance use of step therapy protocols.
- SB 95 Amendments to public assistance requirements and benefits.
 - Sub
- SB 95 Amendments to public assistance requirements and benefits.
- Sub for
 - Sub
- SB 95 Authorizing telephonic signatures for public assistance applications.
- SB 126 Restrictions on persons interacting with child care facilities.
- SB 152 Allowing physicians, physician assistants and advanced practice registered nurses to utilize expedited partner therapy.
- SB 153 Requiring targeted case management for recipients of home and community based services.
- SB 154 Amendments to home health agency licensure.
- SB 165 Providing insurance coverage for opioid-related treatments and establishing standards for use of emergency opioid antagonists.
- SB 187 Kansas safe access act.
 - S Sub
- HB 2026 KanCare process and contract requirements.
 - S Sub
- HB 2027 Healing arts anatomic pathology billing, institutional licenses and licensee reporting.
 - S Sub
- HB 2055 Pharmacy act of the state of Kansas amendments.
 - S Sub
- HB 2304 Child care facilities background check and sleeping area requirements.

Transportation

- SB 35 Operation of transit buses on certain right shoulders in Wyandotte county.
- SB 36 Concerning definitions and regulations relating to motor carriers.
- SB 45 Designating a portion of United States highway No. 40 as John Carlin highway.
 - Sub
- SB 74 Providing for a placard and identification card for persons needing assistance with cognition; also providing for a notation on state-issued drivers' licenses and identification cards.
- SB 88 Repossessed certificates of title fees; repealing the repossessed certificates of title fee fund.
- SB 89 Motor vehicle title and registration, collection of fees.
- SB 99 Prohibiting the operation of a motor vehicle while using wireless communication device; exceptions; penalties.
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