

Journal of the House

SIXTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, April 30, 2018, 11:00 a.m.

The House met pursuant to adjournment with Speaker Ryckman in the chair.

The roll was called with 120 members present.

Reps. Aurand, Barker, Burroughs, Deere and Holscher were excused on excused absence by the Speaker.

Excused later: Reps. Davis and Landwehr.

Present later: Reps. Holscher and Landwehr.

Prayer by Chaplain Brubaker:

Heavenly Father,
It is with a grateful heart,
that we begin this day and week
inviting You to be with us.
None of us can be our best without Your wisdom.
You ask for a broken and contrite heart,
and only when we come to that place,
will You give us direction and wisdom
in our deliberation and decision-making.
As the seriousness of the issues
that still need to be determined crowd in upon us,
give each one courage, discipline and determination
to work together to bring success...
not so much success in our eyes,
but success for those in this great state
who depend upon us to make wise judgments.
In Your Son's Name, I pray,
Amen.

The Pledge of Allegiance was led by Rep. Gallagher.

INTRODUCTION OF GUESTS

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

How many of you, or your children, have ever attended a Heart of American Sports Camp in Salina?

How many of you have ever played Pop-A-Shot, the electronic arcade basketball game?

If you have, you have been touched by a couple of the accomplishments of the legendary, Coach Ken Cochran.

My very best friend growing up was Susan Cochran. We were referred to as “the Susans” and were inseparable. I spent lots of time in the Cochran home, and I knew her father as the fun dad with the big personality who teased me relentlessly. I also knew he was the very successful coach of the Marymount Spartans basketball team, who was notoriously tough on the court, but held a deep affection for his players.

Coach Cochran passed away in December. He lived hard and played hard and his 84-year-old heart just couldn’t go anymore. I want to share with you the extraordinary life of Ken Cochran. Susan lives in Chicago and can’t be here today. I have with me Coach Cochran’s granddaughter, June Wiley (who just happens to be a classmate of my son in vet school.) I’ve also asked the Salina Representatives to join us at the well.

Coach Cochran was born in Pratt, although he grew up in Joplin, Missouri. He was a multi-sport athlete, excelling at baseball. He was the starting catcher for the United States Olympic team in 1956 when it was an exhibition sport. After several years coaching high school sports, the Cochrans moved to Salina where he became one of the winningest small college coaches in Kansas. He coached both baseball and basketball at Kansas Wesleyan, but it was at the new basketball program at Marymount College where he found big success, posting a 106-game winning streak at one point. He built them into a national powerhouse, even hosting the Russian Olympic team while on their 1975 United States tour. The Russians won 78-75.

He was one of the first Midwestern coaches to recruit aggressively on the East Coast. He brought many young men to Kansas where he didn’t just teach them basketball, but how to live life. I recall many evenings in their family room with players doing homework, sharing a meal, or just hanging out.

Ken Cochran was inducted into six halls of fame – NAIA, Kansas Sports, Kansas Basketball Coaches Association, Kansas Wesleyan, Graceland College and Joplin, MO.

It was while at Marymount that Coach Cochran started the Heart of American Sports Camps. He estimated 90,000 kids went through his camp. After 40 years with the HOA Camps, he sold the business, which still exists today. During my summers at home from college I occasionally helped with concessions at the camps. One evening, we were sitting in the balcony overlooking the gym during his motivational speech. I happened to be talking to someone else (in other words, not listening) when Susan nudged me and said “Dad just introduced you. Stand up and wave.” I stood up and waved at the 300 cheering teenage boys. When I sat down, I asked “what was that about?” It was then that Susan, dying laughing, told me he had just introduced me as Miss Kansas. My husband and I met Ken, Peggy and Susan for dinner at Brookville a couple years ago. He still called me Miss Kansas!

In 1981, while recovering from his first heart attack, Cochran realized he would have to give up coaching. It was while lying in the hospital bed that he came up with the idea for Pop-A-Shot. The electronic basketball games were manufactured in Salina, distributed throughout the country, and became a global phenomenon. He was fond of saying, “I’ve put more basketballs into people’s hands than anyone other than James Naismith.”

Coach Cochran accomplished many things in his full life, but perhaps his biggest accomplishment was that of a humanitarian. He was loving and compassionate, keeping track of his players throughout life. Since his passing, the family has heard many stories of how he helped someone get a job or someone else through a tough situation. He was on the forefront of civil rights. He sent sports equipment to children in Africa. He raised money for Joplin after the tornado. Many, many things no one ever knew about. He truly had a heart of gold!

He was known for his sense of humor and was always cracking one-liners. Nearing the end of his life, Susan commented to him that he was going to a much more peaceful place. He said, "Yeah, until I get there!"

June, it is an honor for us to have you here to recognize the life of your grandfather. The certificate states "In memory of Ken Cochran for a legacy in athletics as an Olympian, a legendary Hall of Fame Coach, an entrepreneur, and respected humanitarian."

Rep. Concannon presented June Wiley a framed House certificate in honor of her grandfather's many achievements.

INTRODUCTION OF GUESTS

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

Today I stand before you to honor the Blue Valley Northwest High School 2018 6A State Championship Boys Basketball Team.

Rep. Markley introduced the following members of the team to the Floor. Coach Ed Fritz, Joe Pleasant, Sam Ward, Max Johnson, Andrew Lind, Christian Braun, Jack Chapman, Matt Chapman, Jack Hungerford, Andrew Davis and Nathan Burger.

The boys basketball program at Blue Valley Northwest, led by legendary coach Ed Fritz, is one of the strongest in Kansas. The Huskies have 7 Eastern Kansas League Conference titles. They are four-time state champions winning back to back championships twice. The first were the 2013 and 2014 seasons and the next were the 2017 and 2018 seasons.

Coach Fritz has amassed over 600 wins in his career. He is currently in the Greater Kansas City Basketball Coaches Association Hall of Fame, and he has been recognized as coach of the year several years, most recently in 2018 by 'USA Today' and 'Sports in Kansas'.

The Huskies have had numerous players continue their basketball careers at the collegiate level. Last year, seven Huskies played for a college program. You may recognize the names of two of them: Clayton Custer and Ben Richardson. Clayton and Ben have played together under Coach Fritz since they were in second grade and recently led their University of Loyola-Chicago Ramblers to an appearance in the Final Four. Perhaps we have the next Clayton and Ben standing before us today.

My colleagues, please join me in acknowledging the hard work and accomplishments of these young men and congratulate them on a great winning season.

Rep. Markley presented coach Fritz and his team with a framed House certificate.

INTRODUCTION OF GUESTS

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

It is my pleasure to introduce Sierra Scott, who at 53 years of age, won the first national pageant she entered, and is now the reigning Ms. United States!

A Television News Anchor for more than 30 years, Sierra now hosts two TV shows; one called "Positively Kansas!" on KPTS, and another called "Your View" on COX cable-vision. Both shows focus on only the good things going on in the world. During her years as a TV news anchor she worked in five different cities across the United States, including Tampa, Florida, and Waco, Texas.

A documentary Sierra produced on "Darfur" premiered at the United Nations in Washington, D.C., and was screened at the Film Festival in Toronto.

Kansas Governor Sam Brownback appointed Sierra to serve a 4-year term on the Kansas Children's Cabinet. Sedgwick County Commissioners also appointed her to serve a 4-year term on the intellectual and Developmental Disabilities Advisory Board.

Sierra was a member of the prestigious "Leadership Kansas Class of 2008 and the "Leadership Wichita" class of 2009. Sierra was selected "State-Program Chairman" for the Leadership Kansas Class of 2011 and has served on the Board of Trustees ever since.

Sierra was also chosen a "Woman of the Year" candidate by the Leukemia and Lymphoma Society and was also named "Outstanding Woman of the Year" by the Business and Professional Women.

Sierra has been featured on several national talk shows, has performed as an extra in movies, as a participant on television shows, and has been featured in an international magazine. She also performed in the cast of Broadway style shows.

Sierra currently serves on the Board of Directors for eight charities, including "The Wichita Grand Opera" and "The Wichita Symphony." She is a past board member of dozens of other charities, including "Dress for Success" and "Habitat for Humanity."

Sierra has won numerous broadcasting awards, including AP awards for "Best Feature" and "Best Newscast."

Sierra's first love is traveling. In just the past few years she has spent a week in each of 180 cities in 48 states, and 27 different countries, including Cuba, the Philippines, Dubai, China and Sudan.

In her spare time, of which there isn't much, Sierra loves to ride her mountain bike, read positive and spiritual books, and spend time on the lake with her friends and family.

Sierra graduated with a degree in Broadcast Journalism from Kansas State University in Manhattan, Kansas.

Rep. Landwehr presented Sierra with a framed House certificate in recognition of her accomplishments.

INTRODUCTION OF GUESTS

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

Colleagues, there is a lot of talk these days about immigrants, sanctuary cities and walls. I'm here today to remind my fellow Kansans that this great state, indeed this great

nation, is made up of generations of immigrants.

Therefore, it is my distinct honor and pleasure to introduce one of Leavenworth, Kansas' newest naturalized citizens. This is Mrs. Rachel Minnis, hailing from Shakespeare's hometown, Stratford-upon-Avon. She recently went through the rigorous steps to become a US citizen, and I'd encourage you to test your knowledge on the Constitution as she will know more now than many of us.

Mrs. Minnis is a productive citizen, owning and operating the Excellent Choice restaurant at 1000 N. 7th St, deep in the heart of the First City of Kansas. Here you can get some of the best deep fried catfish, this side of the Mississippi.

So I ask you to join me in recognizing the many faces of immigration and in welcoming Mrs. Rachel Minnis into our country as a one of our newest citizens.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Carlin, **HR 6061**, as follows, was introduced and adopted:

By Representative Carlin

HR 6061 -- A RESOLUTION designating April 29 through May 5, 2018, as Senior Corps Week at the Capitol.

WHEREAS, Service to others is central to how the United States, and specifically Kansas, meets and overcomes challenges and is also one of the hallmarks of our American character; and

WHEREAS, States are increasingly turning to national service and volunteerism as a cost-effective strategy to meet local needs; and

WHEREAS, Senior Corps expands economic opportunities by creating more sustainable and resilient communities; and

WHEREAS, Senior Corps is a unique public and private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer money; and

WHEREAS, Senior Corps participants demonstrate their commitment, dedication and patriotism by making extensive commitments to public service; and

WHEREAS, Senior Corps participants, including the Foster Grandparent Program, the Senior Grandparent Program and the Retired and Senior Volunteer Program (RSVP), address the most pressing challenges facing our communities. These programs educate students to do jobs of the 21st century, support veterans and military families, provide health services and help communities recover after natural disasters; and

WHEREAS, Between 2016 and 2017, the Corporation for National and Community Service committed more than \$3,852,165 to support Kansas Senior Corps programs through national service initiatives, while leveraging an additional \$1,332,260 in local resources to strengthen community impact, build local support and increase return on taxpayer dollars; and

WHEREAS, More than 4,267 Kansas Senior Corps participants serve in approximately 26 programs in more than 62 counties across Kansas, and record approximately 822,948 hours of service, bolstering the civic, neighborhood and faith-based organizations that are so vital to Kansas' economic and social well-being; and

WHEREAS, The Kansas Senior Corps directors, along with their local funders and the Corporation for National and Community Service, provide service programs across

Kansas that engage residents, improve lives and strengthen communities; and

WHEREAS, The Kansas legislature fully participates in Senior Corps Week, encourages residents to recognize the positive impact of volunteer service in Kansas and thanks those who serve and find ways to give back to their communities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate April 29 through May 5, 2018, as Senior Corps Week at the Capitol and that we recognize and congratulate Kansas Senior Corps programs for their contributions to local communities; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Carlin.

INTRODUCTION OF GUESTS

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

More than 3,900 seniors in Kansas contribute their time and talents in one of three Senior Corps programs. Foster Grandparents serve one-on-one as tutors and mentors to more than 7,100 young people who have special needs. Senior Companions help more than 490 homebound seniors and other adults maintain independence in their own homes. RSVP volunteers renovate homes, tutor and mentor youth, respond to natural disasters, provide transportation to medical appointments, serve our veterans and military, deliver meals, help at food pantries, offer free tax preparation services and provide other services through more than 740 groups across Kansas.

In a recent report, the Kansas Association of Senior Corps Directors reported an average of over one million hours in volunteer service is provided each year by Senior Corps Volunteers in these three programs.

Not only do our state and our communities benefit from Senior Corps Volunteers, but, over the past two decades there has been research that indicates volunteering provides individual health benefits, in addition to social ones, to the volunteers.

Today I have with me representatives from two of the three Senior Corps programs: Foster Grandparents – Willie Jones; RSVP Volunteers – Patricia Petty & Linda Doub; and Lori Bishop; Executive Director of the Flint Hills Volunteer Center/RSVP program and President of the Kansas Association of Senior Corps Directors.

At a time when fiscal restraint is a must, National Service is a wise investment of taxpayer dollars and is good for Kansans. Please join with me in thanking these Senior Corps Volunteers who represent these three programs that are truly making a difference in the state of Kansas.

CHANGE OF CONFEREES

Reps. Highland and Humphries are appointed to replace Reps. Barker and Highland as members of the conference committee on **HB 2280**.

On motion of Rep. Hineman, the House recessed until 11:45 a.m.

LATE MORNING SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 260, SB 261, H Sub for SB 336**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 260** 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 36, following line 6, by inserting:

"Sec. 39. K.S.A. 2017 Supp. 75-7209 is hereby amended to read as follows: 75-7209. (a) Whenever an agency proposes an information technology project, such agency shall prepare and submit to the chief information technology officer of the branch of state government of which the agency is a part of a project budget estimate therefor, and for each amendment or revision thereof, in accordance with this section. Each information technology project budget estimate shall be in such form as required by the director of the budget, in consultation with the chief information technology architect, and by this section. In each case, the agency shall prepare and include as a part of such project budget estimate a plan consisting of a written program statement describing the project. The program statement shall:

(1) Include a detailed description of and justification for the project, including: (A) An analysis of the programs, activities and other needs and intended uses for the additional or improved information technology; (B) a statement of project scope including identification of the organizations and individuals to be affected by the project and a definition of the functionality to result from the project; and (C) an analysis of the alternative means by which such information technology needs and uses could be satisfied;

(2) describe the tasks and schedule for the project and for each phase of the project, if the project is to be completed in more than one phase;

(3) include a financial plan showing: (A) The proposed source of funding and categorized expenditures for each phase of the project; and (B) cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major repairs or improvements to buildings and other items or services necessary for the project; and

(4) include a cost-benefit statement based on an analysis of qualitative as well as financial benefits.

(b) (1) Before one or more state agencies proposing an information technology project begin implementation of the project, the project plan, including the architecture and the cost-benefit analysis, shall be approved by the head of each state agency proposing the project and by the chief information technology officer of each branch of

state government of which the agency or agencies are a part. Approval of those projects that involve telecommunications services shall also be subject to the provisions of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.

(2) All specifications for bids or proposals related to an approved information technology project of one or more state agencies shall be reviewed by the chief information technology officer of each branch of state government of which the agency or agencies are a part.

(3) (A) Agencies are prohibited from contracting with a vendor to implement the project if that vendor prepared or assisted in the preparation of the program statement required under subsection (a), the project planning documents required under subsection (b)(1), or any other project plans prepared prior to the project being approved by the chief information technology officer as required under subsection (b)(1).

(B) Information technology projects with an estimated cumulative cost of less than \$5,000,000 are exempted from the provisions of subparagraph (A).

(C) The provisions of subparagraph (A) may be waived with prior written permission from the chief information technology officer.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that sets forth the agency's current and future information technology needs and utilization plans for the next three ensuing fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).

Sec. 40. K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider's books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine:-(1) (A) Whether the moneys received by PSAPs pursuant to this act are being used appropriately;-(2) (B) whether the amount of moneys collected pursuant to this act is adequate; and-(3) (C) the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the 911 state grant fund shall reimburse the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the

LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d)(1) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2017 Supp.12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter."

And by renumbering sections accordingly;

Also on page 36, in line 9, after "Supp." by inserting "12-5377, as amended by section 1 of 2018 House Bill No. 2435,"; in line 10, after "75-5133" by inserting ", 75-7209";

On page 1, in the title, in line 1, by striking "audits of"; in line 5, after the semicolon by inserting "911 coordinating council certain audits; technology projects certain vendor restrictions;"; in line 7, after "Supp." by inserting "12-5377, as amended by section 1 of 2018 House Bill No. 2435,"; in line 8, after "75-5133" by inserting ", 75-7209";

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

JOHN E. BARKER
RONALD L. HIGHLAND
LOUIS E. RUIZ

Conferees on part of House

BUD ESTES
ROB OLSON
OLETHA FAUST-GOUDEAU

Conferees on part of Senate

On motion of Rep. Hawkins, the conference committee report on **SB 260** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Arnberger, Averkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Delperdang, Dierks, Dietrich,

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

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barker, Burroughs, Deere, Holscher, Landwehr.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 261** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 2, following line 22, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 23-2511 is hereby amended to read as follows: 23-2511. ~~(a)~~ Every person who performs a marriage ceremony under the provisions of this act shall endorse the person's certificate of the marriage on the license, give the duplicate copy of the license to the parties to the marriage and return the license, within 10 days after the marriage, to the judge or clerk of the district court who issued it. ~~The judge or clerk shall record the marriage on the marriage record in the office of the judge or clerk and shall forward, not later than the third day of the following month, to the secretary of health and environment the license and certificate of marriage, together with a statement of the names of the parties and the name and address of the person who performed the marriage ceremony. Not later than the third day of the following month, the judge or clerk shall submit the information from the license to the vital statistics integrated information system maintained by the secretary of health and environment, or by other means as designated by the secretary and the judicial administrator.~~

~~(b) If no marriage license has been issued by the judge or clerk of the district court during a month, the judge or clerk shall promptly notify the secretary of health and environment to that effect on a form provided for that purpose.~~

Sec. 3. K.S.A. 2017 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;

(2) contract;

(3) expend funds;

- (4) license and discipline;
- (5) investigate;
- (6) issue subpoenas;
- (7) keep statistics; and
- (8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) (1) Before January 1, ~~2019~~ 2020, the attorney general shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2017 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(2) On or before February 1, 2019, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the progress achieved in establishing the database required by this subsection.

(e) The information required by K.S.A. 2017 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. 4. K.S.A. 2017 Supp. 50-6,109c is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

(d) This section shall be unenforceable and shall not apply from ~~the effective date of this act June 1, 2017,~~ to January 1, ~~2019,~~ 2020.

Sec. 5. K.S.A. 2017 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 June 1, 2017,~~ and January 1, ~~2019,~~ 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation;

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;

(8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;

(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and

(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.

(c) Every scrap metal dealer shall photograph the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between ~~the effective date of this act June 1, 2017,~~ and January 1, ~~2019~~ 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

(d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.

(e) Every scrap metal dealer shall forward the information required by this section to the database described in K.S.A. 2017 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 June 1, 2017,~~ to January 1, ~~2019~~ 2020.

Sec. 6. K.S.A. 2017 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. 2017 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. 2017 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. 2017 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 June 1, 2017~~ and January 1, ~~2019~~ 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

Sec. 7. K.S.A. 2017 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. 2017 Supp. 21-5801 through 21-5839 or K.S.A. 2017 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2017 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. 2017 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2017 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 June 1, 2017,~~ to January 1, ~~2019~~ 2020.

Sec. 8. K.S.A. 2017 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. 2017 Supp. 21-5801 through 21-5839 or K.S.A. 2017 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2017 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. 2017 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2017 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 June 1, 2017,~~ to January 1, ~~2019~~ 2020.

Sec. 9. K.S.A. 2017 Supp. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. Such term includes a total charge not in excess of \$5,000 for expenses in any way related to

funeral, cremation or burial; but such term shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. Such term includes a total charge not in excess of \$1,000 for expenses in any way related to crime scene cleanup.

(b) "Board" means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.

(c) "Claimant" means any of the following persons claiming compensation under this act: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

(d) "Collateral source" means the net financial benefit, after deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets, credits or other deductions, from a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;
- (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;
- (3) social security, medicare and medicaid;
- (4) state-required temporary nonoccupational disability insurance;
- (5) workers' compensation;
- (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct; ~~or~~
- (8) a contract providing prepaid hospital and other health care services or benefits for disability; or
- (9) damages awarded in a tort action.

(e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

(i) The crimes would be compensable had it occurred in the state of Kansas; and
(ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;

(B) poses a substantial threat or personal injury or death; and
(C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

Such term shall not include conduct arising out of the ownership, maintenance or use

of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 and 21-3414, prior to their repeal, or K.S.A. 2017 Supp. 21-5405, 21-5406 and ~~subsection (b)~~ of K.S.A. 2017 Supp. 21-5413**(b)**, and amendments thereto, or when such conduct was intended to cause personal injury or death.

(f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

(h) "Dependent's replacement services loss" means loss reasonably incurred by dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

(i) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.

(l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(m) "Victim" means a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; or (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

(n) "Crime scene cleanup" means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.";

Also on page 2, in line 39, after "20-362" by inserting ", 23-2511, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b, 74-7301";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "state agencies; relating to"; also in line 1, by striking "relating to"; in line 3, after the semicolon by inserting "marriage license information; notification by courts to the secretary of health

and environment; attorney general; enforcement of the scrap metal theft reduction act; crime victims compensation board; definition of collateral source;"; in line 6, after "20-362" by inserting ", 23-2511, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b, 74-7301";

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

BLAINE FINCH

BRADLEY RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

On motion of Rep. Finch, the conference committee report on **SB 261** was adopted.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Miller, Pittman.

Present but not voting: None.

Absent or not voting: Aurand, Barker, Burroughs, Deere, Holscher, Landwehr.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 336** 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. 336, as follows:

On page 21, following line 17, by inserting:

"Sec. 8. K.S.A. 2017 Supp. 45-254 is hereby amended to read as follows: 45-254.

(a) Every audio or video recording made and retained by law enforcement using a body camera or a vehicle camera shall be considered a criminal investigation record as defined in K.S.A. 45-217, and amendments thereto. The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision

pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.

(b) In addition to any disclosure authorized pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, a person described in subsection (c) may request make a request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The law enforcement agency shall allow the person to listen to the requested audio recording or to view the requested video recording within 20 days after making the request, and may charge a reasonable fee for such services provided by the law enforcement agency.

(c) Any of the following may make a request under subsection (b):

- (1) A person who is a subject of the recording;
- (2) ~~a~~ any parent or legal guardian of a person under 18 years of age who is a subject of the recording;
- (3) ~~an attorney for a person described in subsection (c)(1) or (c)(2); and~~
- (4) ~~an heir at law, an executor or an administrator of a decedent, when the a decedent is a subject of the recording; and~~
- (4) an attorney for a person described in this subsection.

(d) As used in this section:

(1) "Body camera" means a device that is worn by a law enforcement officer that electronically records audio or video of such officer's activities.

(2) "Heir at law" means: (A) An executor or an administrator of the decedent; (B) the spouse of the decedent, if living; (C) if there is no living spouse of the decedent, an adult child of the decedent, if living; or (D) if there is no living spouse or adult child of the decedent, a parent of the decedent, if living.

(3) "Vehicle camera" means a device that is attached to a law enforcement vehicle that electronically records audio or video of law enforcement officers' activities.

Sec. 9. K.S.A. 2017 Supp. 75-3520 is hereby amended to read as follows: 75-3520.

(a) (1) Unless required by federal law, no document available for public inspection or copying shall contain an individual's social security number if such document contains such individual's personal information. "Personal information" shall include, but not be limited to, name, address, phone number or e-mail address.

(2) The provisions of ~~paragraph paragraphs~~ (1) and (3) of this subsection shall not apply to documents recorded in the official records of any recorder of deeds of the county or to any documents filed in the official records of the court and shall be included, but not limited to, such documents of any records that when filed constitutes:

- (1)(A) A consensual or nonconsensual lien;
- (2)(B) an eviction record;
- (3)(C) a judgment;
- (4)(D) a conviction or arrest;
- (5)(E) a bankruptcy;
- (6)(F) a secretary of state filing; or
- (7)(G) a professional license.

(3) Any document or record that contains all or any portion of an individual's social security number shall have all portions of all social security numbers redacted before the document or record is made available for public inspection or copying.

(4) (A) An agency shall give notice as defined in K.S.A. 2017 Supp. 50-7a01, and amendments thereto, to any individual whose personal information was disclosed in

violation of this subsection when it becomes aware of the unauthorized disclosure. Notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and any measures necessary to determine the scope of unauthorized disclosures.

(B) The agency shall offer to such individuals credit monitoring services at no cost for a period of one year. The agency shall provide all information necessary for such individual to enroll in such services and shall include information on how such individual can place a security freeze on such individual's consumer report.

(b) (1) No person, including an individual, firm, corporation, association, partnership, joint venture or other business entity, or any employee or agent thereof, shall solicit, require or use for commercial purposes an individual's social security number unless such number is necessary for such person's normal course of business and there is a specific use for such number for which no other identifying number may be used.

(2) Paragraph (1) of this subsection does not apply to documents or records that are recorded or required to be open to the public pursuant to state or federal law, or by court rule or order, and this paragraph does not limit access to these documents or records.

(3) Paragraph (1) of this subsection does not apply to the collection, use or release of social security numbers for the following purposes:

(A) Mailing of documents that include social security numbers sent as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the social security number;

(B) internal verification or administrative purposes;

(C) investigate or prevent fraud, conduct background checks, conduct social or scientific research, collect a debt, obtain a credit report from or furnish data to a consumer reporting agency pursuant to the fair credit reporting act, 15 U.S.C. § 1681 et seq., undertake a permissible purpose enumerated under the Gramm-Leach Bliley Act, 15 U.S.C. § 6802 (e), or locate an individual who is missing, a lost relative, or due a benefit, such as pension, insurance or unclaimed property benefit; or

(D) otherwise required by state or federal law or regulation.

(c) An individual who is aggrieved by a violation of this section may recover a civil penalty of not more than \$1,000 for each violation.";

Also on page 21, in line 19, by striking "and" and inserting a comma; also in line 19, after "45-229" by inserting ", 45-254 and 75-3520";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public records; relating to"; also in line 1, by striking "relating to"; in line 3, after the second semicolon by inserting "disclosure of law enforcement recordings using a body camera or vehicle camera; disclosure of personal information; social security numbers; notice of unauthorized disclosure;"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "45-229" by inserting ", 45-254 and 75-3520";

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

BLAINE FINCH
 BRADLEY RALPH
 JOHN CARMICHAEL
Conferees on part of House

RICHARD WILBORN
 JULIA LYNN
 DAVID HALEY
Conferees on part of Senate

On motion of Rep. Finch, the conference committee report on **H Sub for SB 336** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barker, Burroughs, Deere, Holscher, Landwehr.

MESSAGES FROM THE SENATE

Announcing passage of **SB 461**.

Announcing passage of **Sub HB 2359**, as amended by **S Sub for Sub HB 2359**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 461

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Waymaster, the House nonconcurred in Senate amendments to **S Sub for Sub HB 2359** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Waymaster, Proehl and Wolfe Moore as conferees on the part of the House.

CHANGE OF CONFEREES

Reps. Waymaster, Proehl, and Wolfe Moore are appointed to replace Reps. Patton, Huebert, and Trimmer as members of the conference committee on **H Sub for SB 109**.

On motion of Rep. Hineman, the House recessed until 4:00 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

The Senate announced the appointment of Senators McGinn, Billinger, and Kelly to replace Senators Baumgardner, Denning, and Hensley as conferees on **H Sub for SB 109**.

The Senate announced the appointment of Senators Estes, Olson, and Faust-Goudeau to replace Senators Longbine, Billinger, and Rogers as conferees on **SB 284**.

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 415**, requests a conference and has appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 449**, requests a conference and has appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for Sub HB 2359** and has appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

MESSAGES FROM THE SENATE

The Senate concurs in House amendments to **H Sub for SB 61**.

The Senate announced the appointment of Senators Estes, Olson, and Faust-Goudeau to replace Senators Petersen, Goddard, and Pettey as conferees on **Sub HB 2194**.

The Senate adopts the Conference Committee report on **SB 375**.

The Senate adopts the Conference Committee report on **S Sub for HB 2028**.

The Senate adopts the Conference Committee report on **HB 2470**.

The Senate adopts the Conference Committee report on **HB 2511**.

The Senate adopts the Conference Committee report on **HB 2577**.

The Senate adopts the Conference Committee report on **HB 2642**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 415**.

Speaker pro tem Schwab thereupon appointed Reps. Johnson, Phillips and Sawyer as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 449**.

Speaker pro tem Schwab thereupon appointed Reps. Johnson, Phillips and Sawyer as conferees on the part of the House.

On motion of Rep. Hineman, the House recessed until 4:30 p.m.

LATE AFTERNOON SESSION

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

CHANGE OF CONFEREES

Reps. Jennings, Whitmer, and Highberger are appointed to replace Reps. Kelly, Powell, and Finney as members of the conference committee on **SB 284**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2028** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 12 through 36;

By striking all on pages 2 through 24;

On page 25, by striking all in lines 1 through 40 and inserting the following:

"New Section 1. (a) Sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas telemedicine act.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 2. (a) For purposes of Kansas telemedicine act:

(1) "Distant site" means a site at which a healthcare provider is located while providing healthcare services by means of telemedicine.

(2) "Healthcare provider" means a physician, licensed physician assistant, licensed advanced practice registered nurse or person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board.

(3) "Originating site" means a site at which a patient is located at the time healthcare services are provided by means of telemedicine.

(4) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

(5) "Telemedicine," including "telehealth," means the delivery of healthcare services or consultations while the patient is at an originating site and the healthcare provider is at a distant site. Telemedicine shall be provided by means of real-time two-way interactive audio, visual, or audio-visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support healthcare delivery, that facilitate the assessment, diagnosis, consultation, treatment, education and care management of a patient's healthcare. "Telemedicine" does not include communication between:

(A) Healthcare providers that consist solely of a telephone voice-only conversation, email or facsimile transmission; or

(B) a physician and a patient that consists solely of an email or facsimile transmission.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 3. (a) The same requirements for patient privacy and confidentiality under the health insurance portability and accountability act of 1996 and 42 C.F.R. § 2.13, as applicable, that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine. Nothing in this section shall supersede the provisions of any state law relating to the confidentiality, privacy, security or privileged status of protected health information.

(b) Telemedicine may be used to establish a valid provider-patient relationship.

(c) The same standards of practice and conduct that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine.

(d) (1) A person authorized by law to provide and who provides telemedicine services to a patient shall provide the patient with guidance on appropriate follow-up care.

(2) (A) Except when otherwise prohibited by any other provision of law, when the patient consents and the patient has a primary care or other treating physician, the person providing telemedicine services shall send within three business days a report to such primary care or other treating physician of the treatment and services rendered to the patient in the telemedicine encounter.

(B) A person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board shall not be required to comply with the provisions of subparagraph (A).

(e) This section shall take effect on and after January 1, 2019.

New Sec. 4. (a) The provisions of this section shall apply to any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after January 1, 2019. The provisions of this section shall also apply to the Kansas medical assistance program.

(b) No individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, health maintenance organization or the Kansas medical assistance program shall exclude an otherwise covered healthcare service from coverage solely because such service is provided through telemedicine, rather than in-

person contact, or based upon the lack of a commercial office for the practice of medicine, when such service is delivered by a healthcare provider.

(c) The insured's medical record shall serve to satisfy all documentation for the reimbursement of all telemedicine healthcare services, and no additional documentation outside of the medical record shall be required.

(d) Payment or reimbursement of covered healthcare services delivered through telemedicine may be established by an insurance company, nonprofit health service corporation, nonprofit medical and hospital service corporation or health maintenance organization in the same manner as payment or reimbursement for covered services that are delivered via in-person contact are established.

(e) Nothing in this section shall be construed to:

(1) Prohibit an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered individual's health benefits plan;

(2) mandate coverage for a healthcare service delivered via telemedicine if such healthcare service is not already a covered healthcare service, when delivered by a healthcare provider subject to the terms and conditions of the covered individual's health benefits plan; or

(3) allow an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program to require a covered individual to use telemedicine or in lieu of receiving an in-person healthcare service or consultation from an in-network provider.

(f) The provisions of K.S.A. 40-2248 and 40-2249a, and amendments thereto, shall not apply to this section.

(g) This section shall take effect on and after January 1, 2019.

New Sec. 5. (a) The state board of healing arts, following consultation with the state board of pharmacy and the board of nursing, shall adopt rules and regulations relating to the prescribing of drugs, including controlled substances, via telemedicine. Such rules and regulations shall be adopted by December 31, 2018.

(b) The state board of healing arts shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas telemedicine act. Such rules and regulation, shall be adopted by December 31, 2018.

(c) The behavioral sciences regulatory board shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas telemedicine act. Such rules and regulations shall be adopted by December 31, 2018.

New Sec. 6. Nothing in the Kansas telemedicine act shall be construed to authorize the delivery of any abortion procedure via telemedicine.

New Sec. 7. If any provision of the Kansas telemedicine act, or the application thereof to any person or circumstance, is held invalid or unconstitutional by court order, then the remainder of the Kansas telemedicine act and the application of such provision to other persons or circumstances shall not be affected thereby and it shall be conclusively presumed that the legislature would have enacted the remainder of the

Kansas telemedicine act without such invalid or unconstitutional provision, except that the provisions of section 6, and amendments thereto, are expressly declared to be nonseverable.

New Sec. 8. (a) On and after January 1, 2019, the department of health and environment and any managed care organization providing state medicaid services under the Kansas medical assistance program shall provide coverage for speech-language pathology services and audiology services provided by a speech-language pathologist or audiologist licensed by the Kansas department for aging and disability services by means of telehealth, as defined in section 2, and amendments thereto, if such services would be covered by the Kansas medical assistance program when delivered via in-person contact.

(b) The department of health and environment shall implement and administer this section consistent with applicable federal laws and regulations and shall submit to the United States centers for medicare and medicaid services any state medicaid plan amendment, waiver request or other approval request necessary to implement this section.

(c) The department of health and environment shall adopt rules and regulations as may be necessary to implement and administer this section. Such rules and regulations shall be adopted on or before December 31, 2018.

(d) On or before January 13, 2020, the department of health and environment shall prepare an impact report that assesses the social and financial effects of the coverage mandated by this section, including the impacts listed in K.S.A. 40-2249(a) and (b), and amendments thereto, and shall submit such report to the legislature and the house of representatives standing committee on health and human services, the house of representatives standing committee on insurance, the senate standing committee on public health and welfare and the senate standing committee on financial institutions and insurance.

Sec. 9. K.S.A. 2017 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, ~~inclusive~~, 40-2250, K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194, ~~and sections 1 through 7~~, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 10. K.S.A. 2017 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles ~~60 to through 74, inclusive~~, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, ~~inclusive~~, 40-2a01 et seq., 40-2111 ~~to through~~ 40-2116, ~~inclusive~~, 40-2215 ~~to through~~ 40-2220, ~~inclusive~~, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 ~~to through~~ 40-2421, ~~inclusive~~, and 40-3301 ~~to through~~ 40-

3313, ~~inclusive, and~~ K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194, ~~and sections 1 through 7,~~ and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 40-2,103 and 40-19c09 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "concerning health and healthcare; relating to the practice of telemedicine; Kansas medical assistance program; enacting the Kansas telemedicine act; amending K.S.A. 2017 Supp. 40-2,103 and 40-19c09 and repealing the existing sections";

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

VICKI SCHMIDT

BUD ESTES

Conferees on part of Senate

DANIEL R. HAWKINS

SUSAN CONCANNON

Conferees on part of House

On motion of Rep. Hawkins, the conference committee report on **S Sub for HB 2028** was adopted.

On roll call, the vote was: Yeas 107; Nays 13; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Bishop, Clayton, Highberger, Kuether, Lusk, Neighbor, Ousley, Parker, Rooker, Stogsdill, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Barker, Burroughs, E. Davis, Deere.

EXPLANATIONS OF VOTE

MR. SPEAKER: While I believe the telemedicine bill has its merits in providing healthcare for Kansans, I cannot vote for **HB 2028**. The unconstitutional abortion language within the bill is already in statute, and only jeopardizes telemedicine and the expansion of healthcare throughout our state. I vote no on **HB 2028**. Thank you. – BRETT PARKER, NANCY LUSK, ELIZABETH BISHOP, PONKA-WE VICTORS, JARROD OUSLEY

MR. SPEAKER: I support telemedicine and the access to healthcare in areas of Kansas that don't have providers. I support compelling insurance companies to do the right thing and provide payment for care through telemedicine. Notwithstanding unnecessary abortion language and the non-severability clause, I vote yes on **HB 2028**. Thank you. – STAN FROWNFELTER, PAM CURTIS

REPORT ON ENROLLED BILLS

HB 2476, HB 2542, Sub HB 2556, HB 2583 reported correctly enrolled, properly signed and presented to the Governor on April 30, 2018.

REPORT ON ENROLLED RESOLUTIONS

HR 6060 reported correctly enrolled and properly signed on April 30, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Tuesday, May 1, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

