

# Journal of the Senate

## FORTY-SEVENTH DAY

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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 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 unanimously.

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.

The senate 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 handsa 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 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 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 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) ~~Involve 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. 65-4209, 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. 65-4208, and amendments thereto, 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. 75-6102, 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
<u>Examination.....</u>	<u>40</u>
<u>Reexamination.....</u>	<u>40</u>
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:

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.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*  
COREY CARNAHAN, *Secretary of the Senate.*

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