

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 18, 2016, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Petersen was excused.

Vice President King introduced guest chaplain, Pastor Andy Addis, Crosspoint Church, Hutchinson, KS, to deliver the invocation:

Oh Lord, our God. We are a people who have been blessed so much, we often forget the greatness of the gifts You have lavished upon us: freedom, security, wealth, knowledge and comfort. We ask You to continue to lead us and teach us, just as Your disciples asked our Lord to teach them how to pray. "Our Father in heaven, hallowed be Your name" We are thankful for our leaders, the process of law and the beautifully complex gift of democracy. But, we acknowledge here and now that whomever holds the position or office, You are still on the throne of eternity. "Your kingdom come, Your will be done, on earth as it is in heaven" Many are the plans that we have to be good stewards of resources You have provided. We desire to do well with the riches of the earth. We yearn for wisdom in how to care for our children. We desperately seek judicious paths in the administration of the affairs of the day. But, we seek Your will not ours. Let these leaders be of one mind, one heart and one will as we submit to You, the greatest of all legislators. "Give us this day our daily bread" caring for those who cannot care for themselves is a noble calling You have placed on all those in authority. Preparing for the uncertainties of the future by dealing wisely with our resources today, an arduous task. And, counting the costs of governmental decision making is by no means a small matter. But, we remember what we need most is our daily bread. Give these leaders today, the insight to see what can only be seen with your eyes. Give them the stamina to remain unwavering on the side of love, mercy and justice as instruments of Your hand. And, give them courage to be the ones who make a difference. This is the daily bread we desire. "And forgive us our debts, as we also have forgiven our debtors" Father, being human is hard. We have wounded one another and felt the sting of sticks and stones ourselves. We have been on the receiving end of difficult words, looks and intentions, and we have at times even volleyed some in return. We have grieved Your heart, because each us, sending and receiving these bruises, have been made in Your image. Forgive us. The task before us is too great to wallow amid the muck and mire of conflict. We need Your forgiveness and we need You to show us how to forgive one another as well as be forgiven. "And lead us not into temptation, but deliver us from evil" The world today seems fraught with danger. We are constantly aware of new concerns, scares and hazards. The consequences of the universal rebellion of humanity

have come home to roost, and we are now the victims of our own decay. We need Your protection, guidance and deliverance, now more than ever Oh Heavenly Father! Give these leaders the protection they need so they might help orchestrate the protection we must have. Give them the guidance required, so that they might guide the rest of us. And, Father deliver them from any fear, addiction, control or circumstance, that they might be useful vessels in delivering us, the people of Kansas, in these treacherous times. I pray for these men and women that do what You have already shown us is the better way. That they would do justice, love mercy and walk humbly with You our God. In the name of our Lord and Savior Jesus Christ I pray. Amen.

The Pledge of Allegiance was led by Vice President King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 466, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic battery; amending K.S.A. 2015 Supp. 21-5414 and repealing the existing section, by Committee on Ways and Means.

SB 467, AN ACT concerning attorneys; relating to advertising, by Committee on Ways and Means.

SB 468, AN ACT concerning alcoholic beverages; authorizing the creation of entertainment districts and consumption of alcoholic beverages therein; amending K.S.A. 2015 Supp. 41-719 and repealing the existing section, by Committee on Ways and Means.

SB 469, AN ACT concerning public employees; relating to the professional negotiations act; relating to recertification of exclusive representation in professional negotiations; amending K.S.A. 72-5416, 72-5417 and 72-5418 and K.S.A. 2015 Supp. 72-5432 and repealing the existing sections; also repealing K.S.A. 72-5419, by Committee on Ways and Means.

SB 470, AN ACT concerning institutions of higher education; establishing an intercollegiate adaptive sport grant program for students with disabilities; relating to the state board of regents; authorizing income tax contributions; creating the intercollegiate adaptive sport contribution program fund; making and concerning appropriations for the fiscal year ending June 30, 2017, by Committee on Ways and Means.

SB 471, AN ACT concerning elections; relating to advance voting; indication of citizenship to be placed on driver's licenses and nondriver identification cards; amending K.S.A. 2015 Supp. 8-243, 8-1328, 25-1122, 25-1124 and 25-2352 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 472, AN ACT concerning discrimination; relating to family caregivers; amending K.S.A. 44-1001 and 44-1009 and K.S.A. 2015 Supp. 44-1002 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 473, AN ACT concerning agriculture; relating to chemigation permits; fees; amending K.S.A. 2015 Supp. 2-3304 and repealing the existing section, by Committee on Ways and Means.

SB 474, AN ACT concerning the Kansas bioscience authority; delegating authority to the state finance council to oversee any sale of the Kansas bioscience authority or substantially all of the authority's assets; amending K.S.A. 2015 Supp. 74-99b15 and repealing the existing section, by Committee on Ways and Means.

SB 475, AN ACT concerning public construction contracts; relating to performance and payment bonds; Kansas fairness in public construction contract act, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2480**.

Corrections and Juvenile Justice: **SB 461**.

Education: **SB 464**.

Federal and State Affairs: **SB 462**.

Financial Institutions and Insurance: **HB 2454**.

Judiciary: **Sub HB 2062, Sub HB 2289**.

Natural Resources: **HB 2490, HB 2547**.

Public Health and Welfare: **SB 465; HB 2456, HB 2518**.

Ways and Means: **SB 463**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1768—

A RESOLUTION honoring the life and memory of Andrea Burton.

WHEREAS, Andrea Burton, who worked for the Kansas Historical Society as coordinator of the Capitol Visitor Center for 10 years, passed away on October 27, 2015, at the age of 48, peacefully at her home after a battle with melanoma; and

WHEREAS, Andrea was born in Youngstown, Ohio on August 14, 1967. She attended Youngstown State University, where she graduated with a bachelor's degree in sociology in 1989. She then attended Kent State and graduated with a master's degree in sociology. While working towards her bachelor's degree, she met the love of her life, Russell Patrick Douglas Burton, and they were married on August 15, 1992, in Youngstown, Ohio; and

WHEREAS, At her job interview, Andrea brought a mock-up of the activity sheet, "I am a fan of the Capitol," which could be turned into a hand-held fan. It continues to be popular with thousands of young visitors to the Capitol who use it to record highlights of their visit; and

WHEREAS, Andrea's first office was a very small room under the stairs. Her Tour Center was a busy desk on the first floor. It was from these humble beginnings that Andrea and her staff progressed to give tours to 30,000 visitors, annually; and

WHEREAS, Andrea loved the Capitol, pre-restoration, mid-restoration and post-restoration, and would not hesitate to tell anyone. Different wings of the building were closed for years at a time, which made for some creative tour modifications. The

construction was always very loud and extremely dusty, but she never complained; and

WHEREAS, One of Andrea's proudest achievements was being able to reopen the Capitol dome for public tours on January 23, 2006, for the first time in over 30 years. Andrea loved bringing people to the top of the dome. She loved climbing the 296 steps and then stepping outside to take in the view; and

WHEREAS, Andrea never met a visitor or tour group she did not like. She would willingly take one person on tour as well as 100; and

WHEREAS, The opening of the renovated Capitol in January 2014 increased attendance three-fold. Today, 90,000 people annually enjoy historic and dome tours; and

WHEREAS, The new Capitol Visitor Center provided Andrea with a real office and workroom, an auditorium, a classroom and exhibits that tell the story of Kansas people, places, the building and state government. She used these spaces to make the visitor experience better; and

WHEREAS, Andrea's work ethic inspired everyone, including her dedicated staff and loyal volunteers; and

WHEREAS, On October 27, 2015, Andrea went the 296 steps and beyond. In the Capitol dome, whether viewed from inside or from the ground level, Andrea's spirit will live on forever: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the life and memory of Andrea Burton and extend our deepest sympathy to her family and friends; and

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

On emergency motion of Senator V. Schmidt **SR 1768** was adopted unanimously.

Guests introduced were Dr. Russell Burton, Brianna Burton, Benjamin Burton, Zoie Burton, Gena Burton, Ruth Little, Ed Rakocy, Paula Rakocy, Bob Higgins, Jeannette Simonson, Altaire Simonson, Celeste Simonson, Mary Madden, Tonya Brown, Darren Wade, Joe Brentano and Jamaikah Phillips.

The senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2441, HB 2442, HB 2536.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2441, HB 2442, HB 2536 were thereupon introduced and read by title.

STRICKEN FROM THE CALENDAR

On motion of Senator Bruce the following bills were stricken from the calendar:

SB 20, SB 26, SB 30, SB 32, SB 104, SB 140, SB 219, SB 232, SB 283 and SB 301.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 323, AN ACT concerning school districts; creating the Jason Flatt act; requiring suicide prevention training for school district personnel, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Knox.

Absent or Not Voting: Petersen.

The bill passed.

SB 352, AN ACT concerning real estate; relating to licensing requirements for nonresidents; amending K.S.A. 58-3040 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed.

SB 361, AN ACT concerning the open records act; relating to definitions; public agency and public record; amending K.S.A. 2015 Supp. 45-217 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

SB 395, AN ACT concerning the legislature; relating to regular sessions; amending K.S.A. 46-157 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 11; Present and Passing 3; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Haley, Hensley, Holland, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Ostmeyer, Powell, V. Schmidt, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Baumgardner, Fitzgerald, Holmes, Kelly, Knox, Melcher, Olson, Pettey, Pilcher-Cook, Smith.

Present and Passing: Francisco, Hawk, Pyle.

Absent or Not Voting: Petersen.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "Pass" on **SB 395**. This bill addresses the length of our legislative sessions, an issue over which the legislature already has control. I would ask

that we challenge ourselves to meet these proposed deadlines, and if we are able to do that during the next four-year session, consider putting them into statute, taking advantage of the opportunity to model efficient behavior before making it a requirement of others. I also believe that the change should include consideration of the allowance that covers expenses incurred when we are not receiving legislative pay for time that we are not in session.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 395**.

Mr. Vice President: Last year underscored, the 2015 Legislature, with its record 114 days and deplorable, yet still rushed, results in passing the highest tax increase in Kansas history, glaringly showed to all Kansans that our Legislative leadership is in dire need of adult supervision. Regrettably, we obviously need iron clad parameters; statutory guidelines to get things done timely and efficiently around here. In 2015 alone, not doing so cost the taxpayers an additional \$1,000,000 for this process. Shameful. Mr. Vice President, I applaud you for bringing this bill forward and supporting its passage, AS AMENDED. I actually introduced the identical measure way back in 2013, **SB 180**, which, had the Legislature acted on it, would have saved Kansas taxpayers (including last year's \$1,000,000) over \$3,000,000 to date. As much as I dislike having to say "I tried to tell you so..." Mr. Vice President but, well, I did try to tell you so. Congratulations to the future though. Again, I am proud to vote "Aye" on **SB 395**.—DAVID HALEY

Mr Vice President: **SB 395** is simply not necessary. Our Chair of Ways and Means expressed no interest in a 100 day session on budget years. The Legislature is inherently interested in making each session as short as possible with our ongoing efforts with public perception. As demonstrated by the current year, we are perfectly capable of making a shorter session without special legislation. Additionally, this bill will allow a minority of only 1/3 of the body to end a difficult session, thereby forcing us into a special session that would be just as difficult as a regular session. **SB 395** unnecessarily complicates a system that has worked well. Let's not fix something that isn't broken. I vote "No."—MITCH HOLMES

Senators Fitzgerald, Kelly, Olson, Pettey and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Holmes on **SB 395**.

COMMITTEE OF THE WHOLE

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

On motion of Senator Knox the following report was adopted:

SB 314, **SB 375**, **SB 376** be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 423 be amended by motion of Senator Arpke: on page 1, in line 14, by striking "polytechnic" and inserting "university polytechnic campus"; in line 30, by striking "polytechnic" and inserting "university polytechnic campus";

On page 2, in line 36, by striking "polytechnic" and inserting "university polytechnic campus";

On page 3, in line 13, by striking "polytechnic" and inserting "university polytechnic campus"; in line 30, by striking "polytechnic" and inserting "university polytechnic campus";

On page 4, in line 6, by striking "polytechnic" and inserting "university polytechnic campus"; in line 8, by striking "Polytechnic" and inserting "University Polytechnic Campus"; in line 20, by striking "polytechnic" and inserting "university polytechnic campus"; in line 29, by striking "polytechnic" and inserting "university polytechnic campus"; in line 37, by striking "polytechnic" and inserting "university polytechnic campus";

On page 5, in line 30, by striking "polytechnic" and inserting "university polytechnic campus";

On page 6, in line 15, by striking "polytechnic" and inserting "university polytechnic campus";

On page 7, in line 18, by striking "polytechnic" and inserting "university polytechnic campus";

On page 8, in line 15, by striking "polytechnic" and inserting "university polytechnic campus"; in line 26, by striking "polytechnic" and inserting "university polytechnic campus"; in line 33, by striking "polytechnic" and inserting "university polytechnic campus"; in line 41, by striking "polytechnic" and inserting "university polytechnic campus";

On page 9, in line 4, by striking "polytechnic" and inserting "university polytechnic campus"; in line 22, by striking "polytechnic" and inserting "university polytechnic campus";

On page 1, in the title, in line 2, by striking "polytechnic" and inserting "university polytechnic campus", and **SB 423** be passed as amended.

SB 372 be amended by the adoption of the committee amendments, be further amended by motion of Senator O'Donnell: on page 4, in line 23, by striking "(E)" and inserting "(D)";

On page 6, in line 12, by striking "24" and inserting "12"; in line 16, by striking "36-month" and inserting "24-month"

SB 372 be further amended by motion of Senator O'Donnell: on page 8, in line 35, by striking all after the period; by striking all in line 36; in line 37, by striking all before "No"; in line 39, by striking all after the period; by striking all in lines 40 through 43

SB 372 be further amended by motion of Senator Kelly; on page 1, following line 10, by inserting:

"New Section 1. If on September 30 of any year the balance of the temporary assistance to needy families federal fund account exceeds \$25,000,000, the Kansas department for children and families shall return any unencumbered amount in such account exceeding \$25,000,000 to the United States department of health and human services for return to the federal treasury. The secretary for children and families shall not transfer funds from the TANF account to another special revenue fund to circumvent the provisions of this section.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 3, after the third semicolon by inserting "use and return of federal TANF funds;"

A motion by Senator Hensley to amend **SB 372** failed.

A motion by Senator Haley to amend **SB 372** failed and the following amendment

was rejected: on page 7, in line 42, by striking all after "(13)"; by striking all in line 43;

On page 8, by striking all in lines 1 through 21; in line 22, by striking "(14)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 3; Nays 31; Present and Passing 4; Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Hawk, Holland, Kelly, Pettey.

Absent or Not Voting: Hensley, Petersen.

EXPLANATION OF VOTE

Mr. Chair: I offer and proudly vote "Aye" on this amendment on **SB 372**, allowing drug felons to receive food assistance. Of the laundry list of ex-felons (including serial killers, murderers, rapists, sex offenders, forgers, arsonists, insurance frauds, grand theft, etc.), it makes no sense to pick ONLY one crime, drug offenses, to punish solely to prohibit from food stamp assistance. No one has been able to in any way answer "What is the correlation?" What is the public utility served by saying if a person has a drug felony they deserve no help to eat? For MY taxpayer dollars, I would prefer to prohibit Ponzi-schemers or farm subsidy defrauders, as but two examples, from public assistance. Aye for former drug offenders to join every other known felon, (which IS currently allowed), to apply to eat.—DAVID HALEY

An amendment was offered by Senator Pettey. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane, and **SB 372** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 314**, **SB 372**, **SB 375**, **SB 376** and **SB 423** were advanced to Final Action and roll call.

SB 314, AN ACT concerning the local food and farm task force; extending the expiration date; amending K.S.A. 2015 Supp. 2-3805 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook.

Absent or Not Voting: Petersen.

The bill passed, as amended.

SB 372, AN ACT concerning public assistance; relating to recovery of assistance debt; verification of identity and income; fraud investigations; child care subsidies; work requirements; lifetime benefit limits; use and return of federal TANF funds; amending K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Absent or Not Voting: Petersen.

The bill passed, as amended.

SB 375, AN ACT concerning intellectual disability; relating to the definition of significantly subaverage general intellectual functioning; amending K.S.A. 2015 Supp. 76-12b01 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

SB 376, AN ACT concerning law enforcement agencies; relating to reports of missing persons; amending K.S.A. 2015 Supp. 75-712c and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

SB 423, AN ACT concerning postsecondary education; redesignating Kansas state university - Salina, college of technology as Kansas state university polytechnic campus; amending K.S.A. 74-3209, 74-3229, 76-205, 76-213, 76-220, 76-221, 76-222, 76-223, 76-751 and 76-754 and K.S.A. 2015 Supp. 76-156a, 76-756 and 76-7,126 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Willborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 366** be passed.

Also, **SB 338** be amended on page 1, in line 29, by striking all after "municipality"; in line 30, by striking all before the period; in line 33, by striking all before "sanitary";

On page 2, in line 5, after "regulations" by inserting "which constitute a health or safety threat"; in line 7, by striking "and"; in line 8, after "housing" by inserting "and has been in existence for a period of three years or more"; in line 24, by striking all after "including"; in line 25, by striking "open space,"; in line 31, by striking "12-1756e" and inserting "12-1756d"; in line 42, by striking "and";

On page 3, in line 5, by striking "12-"; in line 6, by striking "1756e" and inserting "12-1756d"; also in line 6, after "thereto" by inserting " and

(E) the governing body of the city filing the petition under this section has formally approved the filing of the petition";

Also on page 3, in line 15, by striking "two" and inserting "three"; in line 18, after "longer" by inserting "and efforts by the city to remedy the code violations"; also in line 18, by striking "and"; in line 20, after "actions" by inserting " and

(E) the history of actions taken by other governmental entities regarding the property, including, but not limited to, tax liens or bankruptcy proceedings";

Also on page 3, in line 32, by striking all after "period"; in line 33, by striking all before the period; in line 38, after the period by inserting "In no case shall the defendant's affirmative defense be stricken solely on the basis of delinquent property taxes.";

On page 4, in line 7, by striking "12-1756e" and inserting "12-1756d"; in line 8, by striking "shall" and inserting "may"; in line 10, by striking "The"; by striking all in line 11; in line 12, by striking all before "Whether"; in line 16, after "(g)" by inserting "(1)"; also in line 16, after "days" by inserting "nor more than 730 days"; in line 18, by striking "may" and inserting "shall"; following line 22, by inserting:

"(2) Upon a finding by the court that the property has been rehabilitated in accordance with the approved rehabilitation plan, the court shall grant the petition for quiet title. If no petition for quiet title is filed as permitted by this subsection or a petition for quiet title is filed as permitted by this subsection but the court finds that the organization that filed the petition has not rehabilitated the property in accordance with the rehabilitation plan approved by the court, the property shall immediately be sold by either the board of county commissioners or the governing body of a city in the manner prescribed for sale of property at a judicial tax foreclosure sale pursuant to K.S.A. 79-2801 et seq., and amendments thereto.";

Also on page 4, in line 23, by striking "and" and inserting a comma; also in line 23, after "12-1756a" by inserting "and 12-1756e";

On page 1, in the title, in line 3, after "sections" by inserting " and"; also repealing K.S.A. 2015 Supp. 12-1756e"; and the bill be passed as amended.

SB 365 be amended on page 3, in line 22, after "thereto" by inserting ", unless the site has been enrolled into the appropriate cleanup program under such acts as applicable";

On page 5, in line 10, after "for" by inserting "assessment and cleanup actions at brownfields"; in line 11, after "for" by inserting "assessment and cleanup actions at brownfields"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 426** be passed.

Also, **SB 367** be amended on page 1, in line 23, after "(b)" by inserting "Except as provided in subsection (c)."; in line 31, by striking all after "months"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 8; in line 9, by striking all before the period; following line 9 by inserting:

"(c) There shall be no overall case length limit for a juvenile adjudicated for a felony that, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.";

Also on page 2, in line 34, by striking all after "program"; in line 35, by striking all before the period and inserting "as determined to be necessary based on the results of a validated risk and needs assessment";

On page 3, in line 8, after "case" by inserting ", except that there shall be no limit on cumulative detention for juvenile offenders adjudicated for a felony that, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 3, in line 12, after "regulations" by inserting "by January 1, 2017,"; in line 30, after "another" by inserting "or damage to property";

On page 4, in line 18, after "juveniles" by inserting "if such clinician is available"; in line 19, by striking "may" and inserting "is needed to"; in line 31, by striking "18" and inserting "19";

On page 5, in line 14, by striking "state" and inserting "local"; in line 17, after "governor" by inserting "; and

(18) one member from a community corrections agency appointed by the governor";

On page 6, in line 1, after the semicolon by inserting "and

(C) monitor the plan from the department of corrections for the prioritization of funds pursuant to section 13(d), and amendments thereto";

Also on page 6, by striking all in lines 7 and 8;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 7, in line 9, after "on" by inserting "not less than"; by striking all in lines 11 through 14; following line 39, by inserting:

"(e) This section shall take effect on and after July 1, 2017.";

Also on page 7, in line 42, after "regulations" by inserting "by January 1, 2017,";

On page 8, in line 23, by striking "7" and inserting "6";

On page 9, in line 11, after the period by inserting "The baseline shall be calculated on the cost of incarceration and placement in fiscal year 2015."; following line 17, by inserting:

"(d) Prioritization of funds will be given to regions that demonstrate a high rate of out-of-home placement of juvenile offenders per capita that have few existing community-based alternatives.

(e) During fiscal years 2017 and 2018, the secretary of corrections shall transfer an amount not to exceed \$8,000,000 from appropriated moneys from any available special revenue fund or funds that are budgeted for the purposes of facilitating the development and implementation of new community placements in conjunction with the reduction in out-of-home placements.";

Also on page 9, in line 20, after "regulations" by inserting "by January 1, 2017,"; following line 36, by inserting:

"New Sec. 15. Juveniles who are alleged to be juvenile offenders shall have a right to a speedy trial and a right to a preliminary hearing.

New Sec. 16. The department of corrections and the Kansas juvenile justice oversight committee shall explore methods of exchanging confidential data between all parts of the juvenile justice system. Such data exchange shall be limited based on the needs of the user accessing the data. Such method of exchanging data shall take into consideration sharing data that is necessary for continuity of treatment and correctional programs, including, but not limited to, health care requirements, mental health care needs and history, substance abuse treatment and history, recommendations for emergency placement options and any other information to assist in providing proper care to the juvenile. Such data exchange will be controlled utilizing the Kansas criminal justice information system. The department of corrections is authorized to use grant funds, allocated state funds or any other accessible funding necessary to create such data exchange system. All state and local programs involved in the care of juveniles involved in the juvenile justice system or the child in need of care system shall cooperate in the development and utilization of such system.";

On page 16, in line 34, before "K.S.A" by inserting "On and after July 1, 2019,";

On page 21, in line 18, after the period by inserting "Youth residential facilities shall maintain sight and sound separation between children in need of care that have an open juvenile offender case and children in need of care that do not have an open juvenile offender case."; in line 19, by striking "2017" and inserting "2019";

On page 23, in line 15, by striking "2017" and inserting "2019";

On page 25, in line 37, by striking "2017" and inserting "2019";

On page 28, by striking all in lines 19 through 43;

By striking all on pages 29 through 31;

On page 32, by striking all in lines 1 through 26; in line 27, by striking "2017" and inserting "2019";

On page 35, in line 6, by striking "2017" and inserting "2019";

On page 39, following line 16, by inserting:

"(cc) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this subsection shall expire on July 1, 2018.";

Also on page 39, in line 17, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 45, in line 7, by striking all after "giving"; in line 8, by striking all before the first "the"; in line 13, after "another" by inserting "or damage to property"; in line 32, after "child" by inserting "or would pose a risk to public safety or property";

On page 47, following line 16, by inserting:

"(5) The notice to appear served pursuant to paragraph (1) and the complaint filed pursuant to paragraph (4) shall be provided to the juvenile in a single citation.";

On page 49, in line 13, after "others" by inserting "or damage to property";

On page 50, in line 8, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 14, after "another" by inserting "or damage to property"; in line 21, by striking "January" and inserting "July";

On page 62, in line 4, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 63, in line 9, by striking "(10)"; following line 15, by inserting:

"(10) Place the juvenile in the custody of the secretary of corrections as provided in K.S.A. 2015 Supp. 38-2365, and amendments thereto. This alternative shall not be ordered with the alternative in paragraph (3) or (12). Except for mandatory drug and alcohol evaluation, when this alternative is ordered with alternatives in paragraphs (2), (4) and (9), such orders shall constitute a recommendation by the court. Requirements pertaining to child support shall apply under this alternative. The provisions of this paragraph shall expire on July 1, 2018.";

Also on page 63, in line 16, before "Upon" by inserting "(11)"; in line 22, after "another" by inserting "or damage to property";

On page 67, in line 11, by striking "(10)" and inserting "(11)"; in line 17, after "another" by inserting "or damage to property";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 71, in line 33, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 72, in line 7, after "another" by inserting "or damage to property"; in line 32, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 35, after "another" by inserting "or damage to property";

On page 73, in line 9, before "a" by inserting "a minimum term of 60 months and up to"; by striking all in lines 12 through 14; in line 15, by striking all before the period and inserting "the offender reaching the age of 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years"; in line 20, by striking "12" and inserting "24"; in line 21, by striking "24" and inserting "the offender reaching the age of 22 years, six"; by striking all in lines 23 through 29; in line 30, by striking all before the period and inserting "The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years"; in line 32, by striking the colon; in line 33, by striking "(i)"; in line 34, by striking ", 5 or 6"; also in line 34, by striking the semicolon and inserting ".".

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 18 months and up to a maximum term of 36 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(B) The serious offender II is defined as an offender adjudicated as a juvenile offender for an offense:";

Also on page 73, in line 40, after "felony" by inserting "or a nondrug severity level 5 or 6 person felony";

On page 74, in line 2, by striking "II" and inserting "III"; in line 12, by striking "III" and inserting "IV";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 77, in line 39, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 80, in line 34, by striking "department of education" and inserting "the local school district in which the juvenile offender will be residing";

On page 81, in line 4, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 82, in line 43, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 83, in line 20, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 84, in line 2, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 34, by striking "January" and inserting "July";

On page 110, in line 19, by striking "38-2202,"; also in line 19, by striking "38-2304,"; also in line 19, by striking "38-2342,"; in line 20, by striking "38-2361,"; also in line 20, by striking "38-2368, 38-2369, 38-2371,"; in line 21, by striking "38-2374, 38-2375, 38-2376, 38-2377,"; in line 24, by striking "38-2343,"; also in line 24, by striking "38-2389"; in line 26, by striking all after "Supp."; in line 27, by striking all before "38-2325" and inserting "38-2304,"; also in line 27, after "38-2335," by inserting "38-2342, 38-2343, 38-2361"; in line 28, by striking "38-2365," and inserting "38-2368, 38-2369, 38-2371, 38-2374, 38-2375, 38-2376, 38-2377, 38-2389"; following line 29, by inserting:

"Sec. 68. On and after July 1, 2018, K.S.A. 2015 Supp. 38-2365 is hereby repealed.

Sec. 69. On and after July 1, 2019, K.S.A. 2015 Supp. 38-2202, 38-2232, 38-2242, 38-2243, 38-2260 and 38-2288 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "38-2255,"; and the bill be passed as amended.

SB 374 be amended on page 1, in line 18, by striking "or entity that";

On page 3, in line 3, by striking all after "(3)"; by striking all in line 4; in line 5, by striking "(4)"; in line 38, after the period by inserting "Judges in each judicial district may provide a list of topics to be covered during the continuing education classes."; and the bill be passed as amended.

SB 391 be amended on page 4, following line 33, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

(a) "Offender" means:

(1) A sex offender;

(2) a violent offender;

(3) a drug offender;

(4) any person who has been required to register under out of state law or is otherwise required to be registered; and

(5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.

(b) "Sex offender" includes any person who:

(1) On or after April 14, 1994, is convicted of any sexually violent crime;

(2) on or after July 1, 2002, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct,

the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(3) has been determined to be a sexually violent predator;

(4) on or after July 1, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:

(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2015 Supp. 21-5511, and amendments thereto;

(B) criminal sodomy, as defined in ~~subsection (a)(1) of K.S.A. 21-3505(a)(1)~~, prior to its repeal, or ~~subsection (a)(1) or (a)(2) of K.S.A. 2015 Supp. 21-5504(a)(1) or (a)(2)~~, and amendments thereto;

(C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2015 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2015 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2015 Supp. 21-5513, and amendments thereto;

(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2015 Supp. 21-5505, and amendments thereto;

(6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or

(7) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.

(c) "Sexually violent crime" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5506(a)~~, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5506(b)~~, and amendments thereto;

(4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of K.S.A. 21-3505(a)(2) or (a)(3)~~, prior to its repeal, or ~~subsection (a)(3) or (a)(4) of K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4)~~, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5504(b)~~, and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5508(a)~~, and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5508(b)~~, and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or

~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5505**(b)**, and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5604**(b)**, and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and K.S.A. 2015 Supp. 21-5509, and amendments thereto;

(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto;

(13) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5426**(b)**, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(14) commercial sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-6422, and amendments thereto;

(15) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out of state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

(16) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

(17) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this paragraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(e) "Violent offender" includes any person who:

(1) On or after July 1, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4)~~ of K.S.A. 2015 Supp. 21-5405**(a)(1), (a)(2) or (a)(4)**, and amendments thereto. The provisions of this paragraph shall not apply to violations of ~~subsection (a)(3)~~ of K.S.A. 2015 Supp. 21-5405**(a)(3)**, and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013;

(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5408**(a)**, and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5408(b)~~, and amendments thereto;

(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2015 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5426(b)~~, and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(3) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(f) "Drug offender" includes any person who, on or after July 1, 2007:

(1) Is convicted of any of the following crimes:

(A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2015 Supp. 21-5703, and amendments thereto;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined in ~~subsection (a) of K.S.A. 65-7006(a)~~, prior to its repeal, ~~subsection (a) of K.S.A. 2010 Supp. 21-36a09(a)~~, prior to its transfer, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5709(a)~~, and amendments thereto;

(C) K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05(a)(1)~~, prior to its transfer, or ~~subsection (a)(1) of K.S.A. 2015 Supp. 21-5705(a)(1)~~, and amendments thereto. The provisions of this paragraph shall not apply to violations of ~~subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)~~ which occurred on or after July 1, 2009, through April 15, 2010;

(2) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(3) is or has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose

of this section as one conviction or adjudication. Any conviction or adjudication set aside pursuant to law is not a conviction or adjudication for purposes of this section. A conviction or adjudication from any out of state court shall constitute a conviction or adjudication for purposes of this section.

(h) "School" means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(i) "Employment" means any full-time, part-time, transient, day-labor employment or volunteer work, with or without compensation, for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(j) "Reside" means to stay, sleep or maintain with regularity or temporarily one's person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender's person for three or more consecutive days or parts of days, or for ten or more nonconsecutive days in a period of 30 consecutive days.

(k) "Residence" means a particular and definable place where an individual resides. Nothing in the Kansas offender registration act shall be construed to state that an offender may only have one residence for the purpose of such act.

(l) "Transient" means having no fixed or identifiable residence.

(m) "Law enforcement agency having initial jurisdiction" means the registering law enforcement agency of the county or location of jurisdiction where the offender expects to most often reside upon the offender's discharge, parole or release.

(n) "Registering law enforcement agency" means the sheriff's office or tribal police department responsible for registering an offender.

(o) "Registering entity" means any person, agency or other governmental unit, correctional facility or registering law enforcement agency responsible for obtaining the required information from, and explaining the required registration procedures to, any person required to register pursuant to the Kansas offender registration act. "Registering entity" shall include, but not be limited to, sheriff's offices, tribal police departments and correctional facilities.

(p) "Treatment facility" means any public or private facility or institution providing inpatient mental health, drug or alcohol treatment or counseling, but does not include a hospital, as defined in K.S.A. 65-425, and amendments thereto.

(q) "Correctional facility" means any public or private correctional facility, juvenile detention facility, prison or jail.

(r) "Out of state" means: the District of Columbia; any federal, military or tribal jurisdiction, including those within this state; any foreign jurisdiction; or any state or territory within the United States, other than this state.

(s) "Duration of registration" means the length of time during which an offender is required to register for a specified offense or violation.

(t) (1) Notwithstanding any other provision of this section, "offender" shall not include any person who is:

(A) Convicted of unlawful transmission of a visual depiction of a child, as defined

in section 1(a), and amendments thereto, aggravated unlawful transmission of a visual depiction of a child, as defined in section 1(b), and amendments thereto, or unlawful possession of a visual depiction of a child, as defined in section 2, and amendments thereto; or

(B) adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a crime defined in subsection (t)(1)(A).

(2) Notwithstanding any other provision of law, a court shall not order any person to register under the Kansas offender registration act for the offenses described in subsection (t)(1).";

Also on page 4, in line 34, by striking "is" and inserting "and 22-4902 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon, by inserting "prohibiting offender registration for such crimes; also"; in line 4, after "21-5510" by inserting "and 22-4902"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Education** recommends **SB 342** be amended on page 1, in line 26, after the period by inserting "For the purposes of this act, the term "operator" shall not be construed to include any school district or school district employee acting on behalf of a school district employer."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2438** be passed.

Also, **SB 277** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 277," as follows:

"Substitute for SENATE BILL NO. 277

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; relating to microbreweries; authorizing the production of hard cider; amending K.S.A. 2015 Supp. 41-102 and 41-308b and repealing the existing sections.";

And the substitute bill be passed.

SB 326 be amended on page 1, in line 10, after "thereof" by inserting ", if, however, the licensee holds a 10% or greater ownership interest in one or more microbrewery licenses, then the aggregate number of barrels of domestic beer manufactured by all such licenses with such common ownership shall not exceed the 60,000 barrel limit"; in line 20, by striking "licensee" and inserting "premises"; also in line 20, after the comma by inserting "the sale and transfer of domestic beer to such club or drinking establishment and"; in line 23, by striking "and"; in line 24, by striking "licensee" and inserting "premises"; in line 26, after "act" by inserting "; and

(7) if the licensee holds a 10% or greater ownership interest in one or more microbrewery licenses, the domestic beer may be manufactured and transferred for sale or storage among such microbrewery licenses";

On page 2, in line 1, by striking the second "the" and inserting "any"; in line 2, after "microbrewery" by inserting "of such licensee"; and the bill be passed as amended.

SB 379 be amended on page 4, by striking all in lines 19 through 21; in line 42, by striking ", (f)(2)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 419** be passed.

Also, **SB 103** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 103," as follows:

"Substitute for SENATE BILL NO. 103

By Committee on Financial Institutions and Insurance

"AN ACT concerning pharmacy benefits managers.";

And the substitute bill be passed.

SB 387 be amended on page 1, in line 23, after "(b)" by inserting "(1)"; in line 27, by striking "(c)" and inserting "(2)"; following line 30, by inserting:

"(3) The state bank commissioner and credit union administrator shall collaborate in order to promulgate rules and regulations affecting account holders that are consistent, other than the type of institution to which they apply.";

And the bill be passed as amended.

SB 438 be amended on page 1, in line 6, by striking "New"; also in line 6, before "A" by inserting "(a)"; in line 7, by striking "(a)" and inserting "(1)"; in line 8, by striking "an" and inserting "the current"; in line 10, by striking "(b)" and inserting "(2)"; following line 12, by inserting:

"(b) As used in this section, the term "group affiliated insurers" means two or more insurance companies that are under substantially the same management or financial control.

(c) When a policy of insurance is renewed by an insurer within the same group of affiliated insurers, notice of the change of the policy to the affiliated company shall be provided to the insured at the last known address and made available to the agent of record on or before 30 days before the end of the term or period of the existing policy of insurance. Such notice may be satisfied by delivery of the new policy to the insured.";

Also on page 1, by striking all in lines 13 through 18;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, by striking all after "renewals"; in line 3, by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 362, SB 393, SB 407, SB 415, SB 418, SB 454** be passed.

Also, **SB 408** be amended on page 2, in line 33, by striking all after "services"; in line 34, by striking all before "shall";

On page 4, in line 4, by striking "or the Kansas department for children and families"; in line 5, by striking "either"; in line 6, by striking the first "department" and inserting "the Kansas department for aging and disability services or the Kansas department for children and families,"; in line 40, by striking "investigation" and inserting "review";

On page 5, in line 11, after "conducted" by inserting "by a law enforcement agency"; in line 14, after "conducted" by inserting "by a law enforcement agency"; in line 24, by striking "confirmed" and inserting "substantiated or affirmed"; in line 25, by striking "adults" and inserting "persons"; in line 27, by striking "adults" and inserting "persons"; in line 38, by striking "confirmation" and inserting "substantiation"; in line 39, by striking "confirmed" and inserting "substantiated"; and the bill be passed as amended.

SB 410 be amended on page 1, in line 6, by striking "shall" and inserting "is authorized to"; also in line 6, by striking "special"; in line 29, by striking all after "(c)"; by striking all in lines 30 through 32; in line 33, by striking "(d)"; in line 36, by striking "shall" and inserting "may";

On page 2, in line 20, after "for" by inserting "actual"; in line 23, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 34, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 37, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 42, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 43, after the first "for" by inserting "actual";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

SB 453 be amended on page 1, in line 10, by striking the first hyphen and inserting "through"; also in line 10, by striking the second hyphen and inserting "through";

On page 2, in line 5, by striking all after "(A)"; by striking all in lines 6 and 7; in line 8, by striking all before the semicolon and inserting "Comply with the provisions of K.S.A. 21-6609, and amendments thereto"; in line 11, by striking "community corrections" and inserting "parole"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 330** be amended on page 1, in line 5, by striking the colon and inserting a comma; in line 6, by striking "(1)"; in line 7, by striking "; and"; by striking all in line 8; in line 9, by striking all before the period; in line 10, before "program" by inserting "conservation reserve enhancement"; also in line 10, after "program" by inserting "(CREP)"; in line 14, by striking all before the period and inserting "CREP"; in line 19, by striking "the program" and inserting "CREP"; in line 20, after the period by inserting "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 secretary of agriculture or by the secretary's designee."; in line 23, by striking "the program" and inserting "CREP";

On page 2, in line 1, by striking all after "(g)"; by striking all in lines 2 through 5; in line 6, by striking all before the period and inserting:

"The division shall administer all CREPs in Kansas subject to the following criteria:

(1) The aggregate total number of acres enrolled in Kansas in all CREPs shall not exceed 40,000 acres;

(2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to $\frac{1}{2}$ of the number of acres represented by federal contracts in the federal conservation reserve program that have expired in the prior year in counties within the particular CREP area, except that if federal law permits the lands enrolled in the CREP program to be used for agricultural purposes, such as planting agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses or legumes, but not including cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the specific CREP area;

(3) no more than 25% of the acreage in CREP may be in any one county, except that the last eligible offer to exceed the number of acres constituting a 25% acreage cap in any one county shall be approved;

(4) no whole-field enrollments shall be accepted into a CREP established for water

quality purposes; and

(5) lands enrolled in the federal conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP.

(h) (1) For a CREP established with the purpose of meeting water quantity goals, the division shall administer such CREP in accordance with the following additional criteria:

(A) No water right that is owned by a governmental entity shall be purchased or retired by the state or federal government pursuant to CREP; and

(B) only water rights in good standing are eligible for inclusion under CREP.

(2) To be a water right in good standing:

(A) At least 50% of the maximum annual quantity authorized to be diverted under the water right that has been used in any three years within the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources of the Kansas department of agriculture;

(B) the water rights used for the acreage in CREP during the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources, shall not have: (i) Exceeded the maximum annual quantity authorized to be diverted; and (ii) been the subject of enforcement sanctions by the division of water resources; and

(C) the water right holder has submitted the required annual water use report required under K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years.

(i) (1) The Kansas department of agriculture shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of each annual regular session of the legislature which shall contain a description of program activities for each CREP administered in the state and shall include:

(A) The acreage enrolled in CREP during fiscal year 2008 through the most current fiscal year to date;

(B) the dollar amounts received and expended for CREP during fiscal year 2008 through the most current fiscal year to date;

(C) an assessment of meeting each of the program objectives identified in the agreement with the farm services agency; and

(D) such other information specified by the Kansas department of agriculture.

(2) For a CREP established with the purpose of meeting water quantity goals, the following information shall be included in such annual report:

(A) The total water rights, measured in acre-feet, retired in CREP from fiscal year 2008 through the current fiscal year to date;

(B) the change in groundwater water levels in the CREP area during fiscal year 2008 through the most current fiscal year to date;

(C) the annual amount of water usage in the CREP area from fiscal year 2008 through the most current fiscal year to date; and

(D) the average water use, measured in acre-feet, for each of the five years preceding enrollment for each water right enrolled.

(j) The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on natural resources and the

house committee on agriculture and natural resources every five years, beginning in 2017. The report shall include economic impacts to businesses located within each specific CREP region";

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 402** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2015 Supp. 65-1431 is hereby amended to read as follows: 65-1431. (a) Each license to practice as a dentist or dental hygienist issued by the board, shall expire on December 1 of the year specified by the board for the expiration of the license and shall be renewed on a biennial basis. Each application for renewal shall be made on a form prescribed and furnished by the board. Every licensed dentist or dental hygienist shall pay to the board a renewal fee fixed by the board as provided in K.S.A. 65-1447, and amendments thereto.

(b) To provide for a staggered system of biennial renewal of licenses, the board may renew licenses for less than two years.

(c) On or before December 1 of the year in which the licensee's license expires, the licensee shall transmit to the board a renewal application, upon a form prescribed by the board, which shall include such licensee's signature, post office address, the number of the license of such licensee, whether such licensee has been engaged during the preceding licensure period in active and continuous practice whether within or without this state, and such other information as may be required by the board, together with the biennial licensure fee for a dental hygienist which is fixed by the board pursuant to K.S.A. 65-1447, and amendments thereto.

(d) (1) The board shall require every licensee to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act.

(2) A dentist who is a charitable healthcare provider in Kansas who has signed an agreement to provide gratuitous services pursuant to K.S.A. 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of continuing education credit by the performance of two hours of gratuitous services to eligible low-income patients up to a maximum of six continuing education credits per licensure period.

(e) Upon fixing the biennial license renewal fee, the board shall immediately notify all licensees of the amount of the fee for the ensuing licensure period. Upon receipt of such fee and upon receipt of evidence that the licensee has satisfactorily completed a program of continuing education required by the board, the licensee shall be issued a renewal license authorizing the licensee to continue to practice in this state for a period of no more than two years.

(f) (1) Any license granted under authority of this act shall automatically be canceled if the holder thereof fails to apply for and obtain renewal prior to March 1 of the year following the December in which a renewal application is due.

(2) Any licensee whose license is required to be renewed for the next biennial period may obtain renewal, prior to February 1, by submitting to the board the required renewal application, payment of the biennial renewal fee and proof that such licensee has satisfactorily completed a program of continuing education required by the board. Any licensee whose license is required to be renewed for the next biennial period may

obtain renewal, between February 1 and March 1, by submitting to the board the required renewal application, payment of the biennial renewal fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and regulations by the board and proof that such licensee has satisfactorily completed a program of continuing education required by the board. The penalty fee in effect immediately prior to the effective date of this act shall continue in effect until rules and regulations establishing a penalty fee under this section become effective.

(g) Upon failure of any licensee to pay the applicable renewal fee or to present proof of satisfactory completion of the required program of continuing education by February 1 of the year following the December in which a renewal application is due, the board shall notify such licensee, in writing, by mailing notice to such licensee's last registered address. Failure to mail or receive such notice shall not affect the cancellation of the license of such licensee.

(h) The board may waive the payment of biennial fees and the continuing education requirements for the renewal of licenses without the payment of any fee for a person who has held a Kansas license to practice dentistry or dental hygiene if such licensee has retired from such practice or has become temporarily or permanently disabled and such licensee files with the board a certificate stating either of the following:

(1) A retiring licensee shall certify to the board that the licensee is not engaged, except as provided in K.S.A. 65-1466, and amendments thereto, in the provision of any dental service, the performance of any dental operation or procedure or the delivery of any dental hygiene service as defined by the statutes of the state of Kansas; or

(2) a disabled licensee shall certify to the board that such licensee is no longer engaged in the provision of dental services, the performance of any dental operation or the provision of any dental hygiene services as defined by the statutes of the state of Kansas by reason of any physical disability, whether permanent or temporary, and shall describe the nature of such disability.

(i) The waiver of fees under subsection (h) shall continue so long as the retirement or physical disability exists. Except as provided in K.S.A. 65-1466, and amendments thereto, in the event the licensee returns to the practice for which such person is licensed, the requirement for payment of fees and continuing education requirements shall be reimposed commencing with and continuing after the date the licensee returns to such active practice. Except as provided in K.S.A. 65-1466, and amendments thereto, the performance of any dental service, including consulting service, or the performance of any dental hygiene service, including consulting service, shall be deemed the resumption of such service, requiring payment of license fees.

(j) The Kansas dental board may adopt such rules and regulations requiring the examination and providing means for examination of those persons returning to active practice after a period of retirement or disability as the board shall deem necessary and appropriate for the protection of the people of the state of Kansas except that for an applicant to practice dental hygiene who is returning to active practice after a period of retirement or disability, the board shall authorize as an alternative to the requirement for an examination that the applicant successfully complete a refresher course as defined by the board in an approved dental hygiene school.";

On page 5, in line 4, by striking "licensure period" and inserting "year"; by striking all in lines 5 through 9;

On page 8, following line 14, by inserting:

"(j) "Community mental health center" means any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 75-3307b, and amendments thereto.

Sec. 4. K.S.A. 75-6115 is hereby amended to read as follows: 75-6115. (a) The Kansas tort claims act shall not be applicable to claims arising from the rendering of or failure to render professional services by a health care provider other than:

- (1) A charitable health care provider;
- (2) a hospital owned by a municipality and the employees thereof;
- (3) a local health department and the employees thereof;
- (4) an indigent health care clinic and the employees thereof;~~or~~
- (5) a district coroner or deputy district coroner appointed pursuant to K.S.A. 22a-226 and amendments thereto; or
- (6) a community mental health center and the employees thereof.

(b) Claims for damages against a health care provider that is a governmental entity or an employee of a governmental entity other than those health care providers enumerated in subsection (a), arising out of the rendering of or failure to render professional services by such health care provider, may be recovered in the same manner as claims for damages against any other health care provider.

(c) As used in this section:

(1) "Indigent health care clinic" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(2) "Charitable health care provider" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(3) "Health care provider" shall have the meaning ascribed to such term under K.S.A. 40-3401, and amendments thereto.

(4) "Hospital" means a medical care facility as defined in K.S.A. 65-425, and amendments thereto, and includes within its meaning any clinic, school of nursing, long-term care facility, child-care facility and emergency medical or ambulance service operated in connection with the operation of the medical care facility.

(5) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241 and amendments thereto.";

Also on page 8, in line 15, before "K.S.A." by inserting "K.S.A. 75-6115 and"; also in line 15, after "Supp." by inserting "65-1431,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 75-6115 and"; also in line 2, after "Supp." by inserting "65-1431,"; and the bill be passed as amended.

Also, **SB 449** be amended on page 6, in line 12, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) ";

On page 10, in line 9, before "Administrative" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) ";

On page 12, by striking all in lines 4 through 28; in line 29, by striking "section 11,";

On page 16, in line 12, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) ";

On page 29, in line 39, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) ";

On page 37, in line 36, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) ";

On page 45, in line 10, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) ";

Also on page 45, in line 10, by striking "under";

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

Committee on **Utilities** recommends **HB 2131**, as amended by the House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2131," as follows:

"Senate Substitute for HOUSE BILL NO. 2131

By Committee on Utilities

"AN ACT concerning telecommunications; relating to local exchange carriers; concerning the Kansas universal service fund; concerning wireless communications, siting; relating to municipalities and state entities, public lands and public right-of-way; amending K.S.A. 17-1902 and 66-2004 and K.S.A. 2015 Supp. 66-2005, 66-2007, 66-2008 and 66-2017 and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Bruce, the senate adjourned pro forma until 8:00 a.m. February 19, 2016.

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

