

# Journal of the Senate

FIFTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 22, 2018, 2:30 p.m.

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

Gracious Lord, thank You for another day to move forward, serving You and the people.

What's on the minds of many today is basketball, where 68 NCAA College teams have been contesting for bragging rights. We can boast about the Wildcats and the Jayhawks as they progress, as they move forward, striving for success in their quest for victory.

Similarly, while here in the Senate...in our public as well as private lives, we also have the desire to move toward success...toward victory and to be recognized as winners.

And if we feel led to brag, remind us of what You said in 1 Corinthians 1:31, that when we brag we should be bragging about You and what You've accomplished in us. We should boast about how You chose to use us, despite weaknesses, faults or failures, to move us forward and achieve successes that bless many.

When we look at what we're able to achieve and feel good about our accomplishments, You said in Jeremiah 9:24, "let the person who boasts, boast in this, that they understand and know You, and know that You are the LORD who practices steadfast love, justice and righteousness in the earth. For these are the things, that You take delight in."

Lord, a win for us is a win for our loved ones; is a win for those we serve; and let it be a win for elevating Your name. Again, I bless Your Name, I praise You, and pray in the Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 455**, AN ACT concerning gaming; creating the Kansas sports wagering act; amending K.S.A. 2017 Supp. 19-101a, 21-6403, 21-6507, 74-8702, 74-8710, 74-8711, 74-8716, 74-8734, 74-8741, 74-8751, 74-8752, 74-8760, 74-8763, 74-8765 and 74-8769 and repealing the existing sections, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 453**.

Financial Institutions and Insurance: **Sub HB 2103**.

Judiciary: **HB 2625**.

Senate Select Committee on Education Finance: **SB 454**.

**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **HB 2650**.

Announcing passage of **SB 351**.

Announcing passage of **SB 185** as amended, **SB 324** as amended.

The House accedes to the request of the Senate for a conference on **SB 375** and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Longbine, Billinger, Givens, Hawk, Masterson, Petersen and Skubal introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1781—

A RESOLUTION congratulating and commending the 2018 Kansas Master Teachers.

WHEREAS, Seven of Kansas' best teachers have been selected as Kansas Master Teachers for 2018. These seven outstanding educators will be honored on Wednesday, April 4, with a day of receptions, seminars and tours at the sponsoring institution, Emporia State University; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2018 winners; and

WHEREAS, The 2018 Kansas Master Teachers are: Connstance Allmond, high incident/intellectual disability teacher at El Dorado Middle School in El Dorado; Deanna K. Burton, social studies teacher at Susan B. Anthony Middle School in Manhattan; Abby Cornelius, library media specialist at Blue Valley North High School in Overland Park; Todd Flory, fourth-grade teacher at Wheatland Elementary School in Andover; Chitra Harris, science teacher at Wichita High School South; Matthew Irby, science teacher at Emporia High School; and Kimberly S. Schneweis, visual art teacher at Hays Middle School; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1953. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher Awards. In 1984, the Black family of Broken Arrow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester where they present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contributions of great teachers such as those being honored today. These 2018 Master Teachers serve as mentors and role models and lay the groundwork for the best educators of tomorrow. They go above and beyond what is expected and offer inspiration, as well as instruction. They teach with heart and soul, and by giving the best of themselves, they encourage students to give their best in return: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the 2018 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas; and

*Be it further resolved:* That we offer heartfelt thanks to these extraordinary educators who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs, and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall send seven enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1781** was adopted unanimously. The senate honored the teachers with a standing ovation.

Senator Fitzgerald introduced the following Senate resolution, which was read: SENATE RESOLUTION No. 1782—

A RESOLUTION recognizing Military Appreciation Day at the Kansas Capitol.

WHEREAS, Today, March 22, 2018, is Military Appreciation Day at the Kansas Capitol; and

WHEREAS, The State of Kansas has a proud history of supporting the United States Military since before the Civil War; and

WHEREAS, The State of Kansas has the honor of being the home to Fort Leavenworth, Fort Riley, and McConnell Air Force Base; and

WHEREAS, Fort Riley is the home of the 1<sup>st</sup> Infantry Division, known as The Big Red One, that has received numerous prestigious military decorations, including, but not limited to, Meritorious Unit Commendations and the Army Superior Unit Award; and

WHEREAS, The 1<sup>st</sup> Infantry Division has received commendations from the countries of France, Belgium and the Republic of Vietnam; and

WHEREAS, The State of Kansas is honored to be the home of more than 200,000 American military veterans according to the Housing Assistance Council: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize today as Military Appreciation Day at the Kansas Capitol and declare that the State of Kansas is honored to host our military veterans on this day and be the home state to so many members and veterans of America's armed forces; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to the headquarters of Fort Riley, Fort Leavenworth, McConnell Air Force Base and the Kansas National Guard.

On emergency motion of Senator Fitzgerald **SR 1782** was adopted unanimously.

Vice President Jeff Longbine assumed the chair.

**CONSIDERATION OF APPOINTMENTS**

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

Senator Denning moved the following appointments be confirmed as recommended by the **Committee on Commerce**.

Kansas Employment Security Board of Review:

Phillip Hayes, Term ends March 15, 2021

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

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

Present and Passing: Francisco, Holland.

The appointment was confirmed.

**Committee on Federal and State Affairs**

Kansas Racing and Gaming Commission:

Dave Myres, Term ends January 15, 2020

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

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

The appointment was confirmed.

Kansas Human Rights Commission:

James Terrones, Term ends January 15, 2021

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

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

The appointment was confirmed.

Kansas Racing and Gaming Commission:

Larry Turnquist, Term ends January 15, 2019

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

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

The appointment was confirmed.

**Committee on Financial Institutions and Insurance**

Kansas Public Employees Retirement Board of Trustees:

James Zakoura, Term ends January 15, 2021

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

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

Present and Passing: Olson, Pyle.

The appointment was confirmed.

**Committee on Judiciary**

State Board of Indigents Defense Services:

Braden Perry, Term ends January 15, 2020

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

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

The appointment was confirmed.

**Committee on Public Health and Welfare.**

University of Kansas Hospital Authority:

Monte Coffman, Term ends March 15, 2019

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

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

The appointment was confirmed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 433**, AN ACT concerning alcoholic beverages; authorizing self-service of beer from automated devices; amending K.S.A. 2017 Supp. 41-2614 and 41-2640 and repealing the existing sections, was considered on final action.

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

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

Nays: Baumgardner, Pyle, Tyson.

The bill passed, as amended.

**HB 2571**, AN ACT concerning the open records act; relating to disclosure of law enforcement recordings using a body camera or vehicle camera; amending K.S.A. 2017 Supp. 45-254 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "Yes" on **HB 2571** because a group of leaders on this issue in the Wichita community, including Rep. Gail Finney and myself, have been meeting for many years and recently met at City Hall to discuss the Body Worn Camera Policy.

—OLETHA FAUST-GOUDEAU

**HB 2579**, AN ACT concerning civil actions; relating to wrongful conviction and imprisonment; compensation; tuition assistance; state health care benefits program; amending K.S.A. 2017 Supp. 75-6117 and 75-6501 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

**SCR 1612**, A CONCURRENT RESOLUTION supporting and facilitating regionally competitive retail electric rates in the state of Kansas and urging the State Corporation Commission to take all lawful action to promptly set rates for retail electric service in the state of Kansas at regionally competitive levels, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 9; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, Masterson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Nays: Bollier, Francisco, Hawk, Longbine, McGinn, Olson, V. Schmidt, Skubal, Wilborn.

Present and Passing: Billinger.

The resolution was adopted.

## EXPLANATION OF VOTE

Mr. Vice President: I support **SCR 1612** as an important first step in taking control of our electricity rates. Our homeowners, seniors, schools and businesses are hurting and we need to help. We have good utilities in the state. This isn't an attack on them, and certainly isn't an attack on our coops or municipal providers. We have some systemic things that need to be looked at. Better rates from our investor-owned utilities will also benefit our coops and municipal providers. A vote for **SCR 1612** is a vote in support of our constituents and consumers in Kansas.—JIM DENNING

Senators Baumgardner, Berger, Billinger, Goddard, Haley, Hardy, Hilderbrand, Holland, Lynn, Pettey and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Denning on **SCR 1612**.

Mr. Vice President: I vote "NO" on **SCR 1612**. I would hope that it would be the policy of the state to work towards having regionally competitive rates for all utilities in Kansas with defined service areas, not just electric utilities, to help promote economic growth and support local communities. This resolution does not ask for any information to help us understand why particular electric rates are high before asking the State Corporation Commission to take any and all lawful action to promptly reduce Kansas rates as well as urging the commission to report any new statutory authority that would assist the agency to reduce electric rates to regionally competitive levels. We are making that request in the same session that this Senate passed two bills that reduce the authority of the State Corporation Commission to oversee rates. I hope we work both to gain a better understanding of the situation, and also consider other opportunities we have not yet taken to help Kansas utility customers, most specifically to promote energy efficiency measures.—MARCI FRANCISCO

Senators Bollier and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SCR 1612**.

Mr. Vice President: I reluctantly vote "no" on **SCR 1612**. While I do believe that it is important for our utilities in Kansas, all of our utilities, not just the Investor Owned Utilities, to relook at and adjust to giving our Kansas consumers, residential, industrial and commercial, the lowest rates possible, I also realize thru floor debate yesterday that several important investments, such as pollution controls and transmission line investments, have resulted in some increases in our rates making us higher at times than some of our neighboring states. I am pleased to have this resolution before the Senate and the debate on this important topic, but believe I and hopefully this full Legislature must take a longer view and support more energy efficiency measures, distributed generation and finally expand our state's renewable wind and solar energy investments that can ultimately lower bills for all electric customers.—TOM HAWK

Senators Francisco and Skubal request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **SCR 1612**.

Mr. Vice President: I vote "aye" on **SCR 1612** because I support the efforts to address the high electric rates we have in Kansas. However, I do understand the reservations Rural Electric Cooperatives and others have concerning the very direct language in the resolution. The urging to take "any and all" lawful action by the KCC to lower electric rates is intimidation that is unnecessary. Furthermore, to refer to the "monopolistic" implication of everyone involved does not accurately portray all the

utilities.—DAN KERSCHEN

Senators Berger, Billinger, Bowers, Hardy and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kerschen on **SCR 1612**.

Mr. Vice President: I voted "no" on **SCR 1612** because Kansas retail electric rates are at the national average despite tough economy and forced mandates. We all desire competitive rates below the national average. This resolution claims somebody has done something wrong, but does not reference the real forces that caused rates to increase significantly from 2007 until now. Since we are a state that gets a significant amount of its electricity from coal, Federal mandates have represented more than 60% of increases the last ten years. Other states that use more less natural gas or are behind Kansas in compliance with federal environmental mandates get a much greater percentage of their electricity from less-expensive natural gas. They are much further behind Kansas in complying with federal environmental mandates. In Kansas, we had a renewable energy mandate for several years until this body helped repeal it. That also contributed to the increase. From 2008-2012, for the first time in history utilities in Kansas saw flat to declining usage largely because of a stagnant economy and increased energy efficiency. Proponents of this resolution have stated in error that electric utility spending is out of control and that the KCC has abdicated its responsibility. Not true! Proponents of the resolution cherry-pick a time period where rates have increased much faster than inflation. Not relevant! According to the U.S. Energy Information Administration in 1992 electricity was 2.6% of household income in Kansas. Today, it is 2.5%. The Kansas Industrial Council that faults Kansas utilities actually signed-off on three out of four Westar rates cases over ten years and was a signatory to a plan of hugely expensive federal mandates. Westar/KCP&L have voluntarily agreed to a five-year rate increase moratorium. From 2019-2023 Westar/KCP&L will not raise their base rates saving more than \$1.1 billion dollars of savings for customers, while other states are raising rates to catch up with Kansas on environmental retrofits and grid modernization. Kansas Utilities have done a good job during some tough times. I vote no on this resolution in support of the Westar and KCP&L merger.—ROB OLSON

Mr. Vice President: I vote "yes" on **SCR 1612**, not as a condemnation of the fine work of local co-ops, but because I understand Kansas consumers must have reliable and affordable electric power for both home and business purposes. I recognize that the exact wording of this resolution does not fully reflect what is driving Kansas electric rates. The language in the SCR ignores the solid public policy this state has long employed and guarantees that all Kansas receive reliable, affordable electric service, whether they are in the center of a metropolitan area or the last farmstead on the line in rural Kansas.—CARYN TYSON

Senators Billinger, Faust-Goudeau, Goddard and Hilderbrand request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **SCR 1612**.

#### **COMMITTEE OF THE WHOLE**

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

On motion of Senator Hilderbrand the following report was adopted:

**HB 2457, HB 2459** be passed.

A motion by Senator Faust-Goudeau to amend **HB 2459** failed and the following amendment was rejected; on page 22, in line 27, after "(d)" by inserting "(1) The first 5% of any proceeds remaining shall be credited to the asset seizure and forfeiture victims assistance fund created by section 13, and amendments thereto.

(2)";

Also on page 22, in line 29, by striking "(1)" and inserting "(A)";

On page 23, in line 24, by striking "(2)" and inserting "(B)";

On page 25, following line 13, by inserting:

"New Sec. 13. (a) There is hereby created in the state treasury the asset seizure and forfeiture victims assistance fund, which shall be administered by the attorney general. All expenditures from the asset seizure and forfeiture victims assistance fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or attorney general's designee.

(b) Moneys in the asset seizure and forfeiture victims assistance fund shall be used only for payment of compensation for counseling services provided to any child who suffers direct or threatened physical, emotional or financial harm as the result of a seizure for forfeiture pursuant to the Kansas standard asset seizure and forfeiture act.

(c) The attorney general shall prescribe forms on which applications for compensation for counseling services shall be made. The attorney general shall adopt rules and regulations to establish a procedure for seeking compensation and to implement the provisions of this section.";

And by renumbering sections accordingly

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, Sykes.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Givens.

## **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HB 2457** and **HB 2459** were advanced to Final Action and roll call.

**HB 2457**, AN ACT enacting the asbestos trust claims transparency act; providing for disclosures regarding asbestos trust claims in civil asbestos actions.

On roll call, the vote was: Yeas 23; Nays 16; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley,

Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Sykes, Taylor.

Absent or Not Voting: Givens.

The bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **HB 2457**. It's ironic and sad that we're taking a vote on this bill today, Military Appreciation Day. We had a resolution just earlier today commemorating this. This bill is bad for veterans and for workers. It forces those exposed to asbestos, and their families, to jump through a number of expensive and time-consuming hoops before being allowed to move forward with a claim in state court. Active and retired service members, firefighters, police officers, and many others put their lives on the line helping others by entering dangerous environments where they know they can be exposed to environmental, chemical, and other hazards without knowing it. Asbestos is lethal and continues to pose serious risks to millions of American families. This bill grants new rights only to asbestos defendants and does nothing to aid the thousands of workers and soldiers dying of asbestos disease each year. Today I take a stand with Kansas workers, veterans, and their families by voting "no" on this bill.—ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2457**.

Mr, Vice President: I vote "NO" on **HB 2457**. This bill makes it more difficult for victims of asbestos exposure to settle their claims. Veterans comprise 30% of all mesothelioma deaths. Firefighters, are also twice as likely, to have exposure to asbestos in their role as first responders. This is a bill in search of a problem. It shifts the burden to the plaintiff, already dealt a death sentence ,to do more leg work to get financial relief.—PAT PETTEY

Senators Faust-Goudeau, Francisco, Haley, Hawk, Kelly and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **HB 2457**.

**HB 2459**, AN ACT concerning the Kansas standard asset seizure and forfeiture act; establishing the Kansas asset seizure and forfeiture repository; relating to reporting of seizures for forfeiture; forfeiture fund reports; open records; seizure and forfeiture procedure; amending K.S.A. 60-4101, 60-4106, 60-4110 and 60-4114 and K.S.A. 2017 Supp. 45-220, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113 and 60-4117 and repealing the existing sections.

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

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

Absent or Not Voting: Givens.

The bill passed.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture and Natural Resources** recommends **HB 2577** be amended on page 1, in line 13, by striking ": (1)"; in line 14, by striking all after "program"; by striking all in line 15; in line 16, by striking all before the period;

On page 2, in line 6, after the period, by inserting "Such fees shall not exceed the maximum fees prescribed in subsection (b). The secretary shall reduce the fees by adopting rules and regulations under this section whenever the secretary determines that the fees are yielding more revenue than is necessary for the purpose of administering the program. The secretary may increase the fees by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purpose of administering the program, except that the fees shall not be increased in excess of the total cost of operation of the program.";

Also on page 2, in line 7, after "(b)" by inserting "(1) The maximum fees allowable under this section shall be determined as follows:

(A) Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form shall be:

<b>Sum of the maximum daily amounts of all extremely hazardous substances reported</b>	<b>Annual Fee</b>
(pounds)	
1 - 9,999	\$25
10,000 - 999,999	\$50
1,000,000 or greater	\$150

(B) Fees on the total maximum daily reportable quantity of hazardous chemicals listed on the Kansas tier II form shall be:

<b>Sum of the maximum daily amounts of all hazardous chemicals reported</b>	<b>Annual Fee</b>
(pounds)	
10,000 - 99,999	\$25
100,000 - 999,999	\$50
1,000,000 - 9,999,999	\$150
10,000,000 or greater	\$300

(C) Fees payable on the total quantity of chemicals released reported on the federal form R shall be:

<b>Sum of the total chemical releases reported</b>	<b>Annual Fee</b>
(pounds)	
100 - 19,999	\$250
20,000 - 99,999	\$700
100,000 - 999,999	\$1,700
1,000,000 or greater	\$3,000

(D) Each owner or operator subject to the fees prescribed in this section shall not be assessed an annual report fee in total greater than \$3,000 during any single report year, excluding late fees.

(2)"; and the bill be passed as amended.

Committee on **Education** recommends **Substitute for HB 2602**, as amended by House Committee of the Whole, be amended on page 1, in line 6, after "dyslexia" by inserting "and other reading comprehension impairments"; in line 8, after "dyslexia" by inserting "and other reading comprehension impairments"; in line 14, after "address" by inserting "reading comprehension impairments and"; in line 16, by striking "difficulties" and inserting "comprehension impairments"; in line 17, after the second "dyslexia" by inserting "and other reading comprehension impairments"; in line 23, after "dyslexia" by inserting "and other reading comprehension impairments"; in line 26, by striking "difficulties" and inserting "comprehension impairments"; in line 30, by striking "19" and inserting "17 voting"; in line 31, by striking all after "(1)"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 22; in line 23, by striking all before the period and inserting "One member of the senate appointed by the chairperson of the senate committee on education;

(2) one member of the house of representatives appointed by the chairperson of the house committee on education;

(3) one member appointed by and from the state board of education, to serve as the chairperson of the task force;

(4) one member shall be a professor employed by a state educational institution with specialized expertise in effective evidence-based reading practices for dyslexia appointed by the president of the state board of regents;

(5) two members shall be principals of a public school appointed by the united school administrators of Kansas;

(6) four members shall be the parents of children with a diagnosis of dyslexia with one appointed by keys for networking, inc., one appointed by families together, inc., one appointed by decoding dyslexia Johnson county and one appointed by the international dyslexia association Kansas Missouri branch;

(7) one member shall be appointed by the Kansas association of special education administrators;

(8) one member shall be an elementary school building-level reading specialist appointed by the state board of education;

(9) one member shall be an elementary school special education teacher appointed by the state board of education;

(10) one member shall be an elementary school classroom teacher appointed by the Kansas national education association;

(11) one member shall be a middle school classroom teacher appointed by the Kansas national education association;

(12) one member shall be a licensed psychologist or speech-language pathologist who diagnoses dyslexia as a part of such person's practice appointed by the chairperson of the task force;

(13) one member shall be appointed by the disability rights center of Kansas; and

(14) the following ex-officio members, who shall be non-voting members of the task force:

(A) One member shall be a licensed attorney from the Kansas state department of education appointed by the Kansas state department of education; and

(B) one member shall be a licensed attorney who is familiar with dyslexia issues appointed jointly by the chairperson of the senate committee on education and the

chairperson of the house committee on education";

Also on page 2, in line 24, by striking all after "(d)"; by striking all in line 25; in line 26, by striking all before "The"; in line 28, by striking "will" and inserting "shall"; following line 41, by inserting:

"(g) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the legislative task force on dyslexia and other reading comprehension impairments.";

On page 1, in the title, in line 2, after "dyslexia" by inserting "and other reading comprehension impairments"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2386** be amended as recommended by Senate Committee on Federal and State Affairs as reported in the Journal of the Senate on May 8, 2017, and the bill as printed as Senate Substitute for HOUSE BILL No. 2386 be further amended by substituting a new bill to be designated as "Senate Substitute for Senate Substitute for HOUSE BILL NO. 2386," as follows:

"Senate Substitute for Senate Substitute for HOUSE BILL NO. 2386

By Committee on Federal and State Affairs

"AN ACT concerning labor; relating to licensing of professional occupations; applications of persons with certain criminal and civil records, disqualification for licensure; amending K.S.A. 74-120 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2481**, **HB 2516**, as amended by House Committee, be passed.

Also, **HB 2088**, as amended by House Committee, be amended on page 3, following line 16, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto: (a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in ~~man~~ humans or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of ~~man~~ humans or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" ~~shall include~~ includes, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use

in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

(N) any smoking pipe manufactured to disguise its intended purpose;

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" ~~shall~~ does not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

(g) "Immediate precursor" means a substance ~~which~~ that the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and ~~which~~ that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling

of a controlled substance:

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, which are intended for use in cutting a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) ~~any substance listed in schedules II through V of the uniform controlled substances act~~ cannabidiol, when included in a non-intoxicating oil substance that does not include any controlled substance ingredients.

(k) "Minor" means a person under 18 years of age.

(l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

(n) "Opium poppy" means the plant of the species Papaver somniferum L. except its seeds.

(o) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after

mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 3. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or  
(2) The patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous

system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is

incapable of germination; or (2) ~~any substance listed in schedules II through V of the uniform controlled substances act cannabidiol, when included in a non-intoxicating oil substance that does not include any controlled substance ingredients.~~

(bb) "Medical care facility" ~~shall have the meaning ascribed to that term means the same as defined~~ in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 4. K.S.A. 2017 Supp. 65-4111 is hereby amended to read as follows: 65-4111.

(a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any material, compound, mixture or preparation that contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1)	Alprazolam.....	2882
(2)	Barbital.....	2145
(3)	Bromazepam.....	2748
(4)	Camazepam.....	2749
(5)	Carisoprodol.....	8192
(6)	Chloral betaine.....	2460
(7)	Chloral hydrate.....	2465
(8)	Chlordiazepoxide.....	2744
(9)	Clobazam.....	2751
(10)	Clonazepam.....	2737
(11)	Clorazepate.....	2768
(12)	Clotiazepam.....	2752
(13)	Cloxazolam.....	2753
(14)	Delorazepam.....	2754
(15)	Diazepam.....	2765
(16)	Dichloralphenazone.....	2467
(17)	Estazolam.....	2756
(18)	Ethchlorvynol.....	2540
(19)	Ethinamate.....	2545

(20)	Ethyl loflazepate.....	2758
(21)	Fludiazepam.....	2759
(22)	Flunitrazepam.....	2763
(23)	Flurazepam.....	2767
(24)	Fospropofol.....	2138
(25)	Halazepam.....	2762
(26)	Haloxazolam.....	2771
(27)	Ketazolam.....	2772
(28)	Loprazolam.....	2773
(29)	Lorazepam.....	2885
(30)	Lormetazepam.....	2774
(31)	Mebutamate.....	2800
(32)	Medazepam.....	2836
(33)	Meprobamate.....	2820
(34)	Methohexital.....	2264
(35)	Methylphenobarbital (mephobarbital).....	2250
(36)	Midazolam.....	2884
(37)	Nimetazepam.....	2837
(38)	Nitrazepam.....	2834
(39)	Nordiazepam.....	2838
(40)	Oxazepam.....	2835
(41)	Oxazolam.....	2839
(42)	Paraldehyde.....	2585
(43)	Petrichloral.....	2591
(44)	Phenobarbital.....	2285
(45)	Pinazepam.....	2883
(46)	Prazepam.....	2764
(47)	Quazepam.....	2881
(48)	Temazepam.....	2925
(49)	Tetrazepam.....	2886
(50)	Triazolam.....	2887
(51)	Zolpidem.....	2783
(52)	Zaleplon.....	2781
(53)	Zopiclone.....	2784
(54)	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol). .....	9752
(55)	Alfaxalone.....	2731
(56)	Suvorexant.....	2223

(c) Any material, compound, mixture, or preparation that contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act—(21 U.S.C. § 812; 21-code of federal regulations C.F.R. 1308.14).

(d) Any material, compound, mixture or preparation that contains any quantity of

lorcaserin (1625), including its salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible—(21 U.S.C. § 812, 21 code of federal regulations C.F.R. 1308.14).

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine).....1230
- (2) Diethylpropion.....1610
- (3) Fencamfamin.....1760
- (4) Fenproporex.....1575
- (5) Mazindol.....1605
- (6) Mefenorex.....1580
- (7) Pemoline (including organometallic complexes and chelates thereof).....1530
- (8) Phentermine.....1640

The provisions of this ~~subsection (e)(8) paragraph~~ shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act—(21 U.S.C. § 812, 21 code of federal regulations C.F.R. 1308.14).

- (9) Pipradrol.....1750
- (10) SPA((-)-1-dimethylamino-1, 2-diphenylethane).....1635
- (11) Sibutramine.....1675
- (12) Mondafinil.....1680

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following, including salts thereof:

- (1) Pentazocine.....9709
- (2) Butorphanol (including its optical isomers).....9720
- (3) ~~Cannabidiol, when comprising the sole active ingredient of a drug product approved by the United States food and drug administration~~  
Some other names for cannabidiol: 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol
- (4) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino)methyl]-2-methoxybenzoic acid)(including its optical isomers) and its salts, isomers, and salts of isomers.....9725

(g) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
- (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane).....9278
- (h) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.";

Also on page 3, in line 17, after "Supp." by inserting "21-5701,"; also in line 17, by striking "is" and inserting ", 65-4101 and 65-4111 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "crimes, punishment and criminal procedure" and inserting "controlled substances"; in line 2, by striking "sentencing,"; also in line 2, after the second semicolon by inserting "removing cannabidiol oil from the definition of marijuana,"; in line 3, after "Supp." by inserting "21-5701,"; also in line 3, after "21-6824" by inserting ", 65-4101 and 65-4111"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2496**, as amended by House Committee of the Whole, be amended on page 20, in line 23, by striking all after "(d)"; by striking all in lines 24 through 27; in line 28, by striking all before the period and inserting "Persons holding a multi-state license under the nurse licensure compact and who engage in the practice of nursing in Kansas may be requested by the board to voluntarily provide workforce-related information as reasonably determined by the board. Refusal to voluntarily provide such information shall not be a basis for disciplinary action against or restriction of the multi-state license of any such person";

On page 28, in line 15, by striking "January" and inserting "July"; and the bill be passed as amended.

Also, **HB 2549**, as amended by House Committee, be amended on page 1, in the title, in line 2, by striking all after "treatment,"; in line 3, by striking all before "amending"; and the bill be passed as amended.

**HB 2639** be amended on page 3, in line 39, after "regulations" by inserting "on or before January 1, 2019,"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2524**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **Substitute for HB 2332** be amended on page 1, in line 11, by striking "Two" and inserting "One"; also in line 11, by striking "heads" and inserting "head"; in line 23, before "one" by inserting "the network manager of the information network of Kansas (INK),"; in line 24, by striking all after "the"; in line 25, by striking "technology" and inserting "senate ways and means committee"; also in line 25, after "senate" by inserting "or such member's designee"; in line 26, by striking all before "appointed" and inserting "senate ways and means committee"; in line 27, after "senate" by inserting "or such member's designee"; in line 32, by striking "two"; also in line 32, by striking "heads" and inserting "head";

On page 2, in line 9, by striking "chairperson" and inserting "executive chief information technology officer"; and the bill be passed as amended.

MARCH 22, 2018

1801

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 23, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

