

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 30, 2018, 10:00 a.m.

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

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, April 1 is called “April Fool’s Day,” when people attempt to fool everybody. Twenty-nine days later, on April 30th, the inauguration of President George Washington is celebrated. And, it is said that he was a man of integrity who didn’t want to fool anybody.

Desiring to promote a shift from the “April Fool’s” idea of misleading people to the George Washington idea of “Not Telling A Lie,” M. Hirsh Goldberg declared April 30 as “National Honesty Day.”

As the former press secretary to a governor in Maryland, and familiar with politics, he was led to advocate for and encourage a higher moral standard of honesty in politics, in personal relationships, in consumer relations and in historical education.

Lord, above all, You are the Leading Advocate of truth! In Exodus 23:1-2; in the Ten Commandments – Exodus 20:16; and in Ephesians 4:29, You advise us to Let no deceiving, foul, unwholesome words proceed from our mouths, but only words that are good for edification, good for improvement words that have value and words that are beneficial rather than negative and worthless.

Lord, in the story of Pinocchio, Jiminy Cricket, acting as Pinocchio’s conscience, was not very successful. Pinocchio’s nose kept exposing his dishonesty. Lord, help us in all our endeavors here in these halls, at home with family and friends and throughout the community to be men and women of integrity. Unlike Jiminy Cricket, in his failed attempts to be Pinocchio’s conscience and keep him honest, I’m inviting You to be our “Divine Lie Detector” and sound an alarm in our conscience when we start to move toward deceptive or unwholesome communication.

I pray this prayer, in the Name of Jesus, our Model of Truth. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Hawk rose on a Point of Personal Privilege to recognize Donna and Jack Vanier who have been named Kansas Humanitarians of the Year. Other guests introduced were John Vanier, Kim Vanier, Mary Vanier, Marty Vanier, Coach Bill Snyder, Sharon Snyder. The senate honored Donna and Jack with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **Sub HB 2365**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 415, SB 449, SB 461; S Sub Sub HB 2359**.

COMMITTEE OF THE WHOLE

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

On motion of Senator Masterson the following report was adopted:

SB 461 be passed.

The committee report on **Sub HB 2359** recommending **S Sub Sub HB 2359** be adopted, be amended by motion of Senator Pettey; on page 8, following line 32, by inserting:

"Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less

(c) On July 1, 2018, during the fiscal year ending June 30, 2019, any expenditures from the parent education program account (652-00-2000-2510) of the children's initiatives fund by section 2(c) of chapter 95 of the 2017 Session Laws of Kansas for each grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant, and on July 1, 2018, the provisions of section 2(c) of chapter 95 of the 2017 Session Laws of Kansas that provide for such match to be in an amount that is equal to not less than 65% of the grant are hereby declared to be null and void and shall have no force and effect."

S Sub Sub HB 2359 be further amended by motion of Senator Rogers; on page 14, following line 32, by inserting:

"Sec. 39. Notwithstanding any other statute, during the fiscal year ending June 30, 2018, and June 30, 2019, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2018 by the university of Kansas, Kansas state university, Emporia state university, Pittsburg state university, Fort Hays state university and Wichita state university by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such universities from the state general fund or any special revenue fund or funds to conduct any meeting of such universities or any groups or committees thereof to discuss the allocation of student activities fees in accordance with the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.";

And by renumbering sections accordingly

S Sub Sub HB 2359 be further amended by motion of Senator Taylor; on page 8, following line 32, by inserting:

"(c) In addition to the other purposes for which expenditures may be made by the

above agency from the moneys appropriated from the state foundation aid account (652-00-1000-0820) of the state general fund for fiscal year 2019 for such state agency as authorized by chapter 95 of the 2017 Session Laws of Kansas, 2018 Substitute for Senate Bill No. 423, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from the state foundation aid account of the state general fund for fiscal year 2019 for the commissioner of education to allow three-year old preschool-aged at-risk students to participate in the program if such students meet the following requirements: (1) Are under the age of eligibility for attendance at kindergarten; (2) have been selected by the state board of education in accordance with guidelines governing the selection of students for participation in head start programs; (3) do not replace four-year old preschool-aged at-risk students; and (4) only fill available openings in such programs."

and **S Sub Sub HB 2359** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, **SB 461** and **HB 2359** were advanced to Final Action and roll call.

SB 461, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2606, 8-247, as amended by section 2 of 2018 House Bill No. 2606, 12-1775a, 21-6627, 79-213 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2472, 8-247, as amended by section 3 of 2018 House Bill No. 2472, 12-1775b, 21-6627a, 79-213g and 79-32,117o.

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.

S Sub Sub HB 2359, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The bill passed, as amended.

CHANGE IN CONFERENCE

The Vice President appointed Senators McGinn, Billinger, and Kelly to replace

Senators Baumgardner, Denning, and Hensley as members of the conference committee on **H Sub SB 109**.

The Vice President appointed Senators Estes, Olson, and Faust-Goudeau to replace Senators Longbine, Billinger, and Rogers as members of the conference committee on **SB 284**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 260**.

The House adopts the Conference Committee report on **SB 261**.

The House adopts the Conference Committee report on **H Sub SB 336**.

The House nonconcurrs in Senate amendments to **S Sub Sub HB 2359**, requests a conference and has appointed Representatives Waymaster, Waymaster, Proehl and Wolfe Moore as conferees on the part of the House.

The House the appointment of Representatives Waymaster, Proehl and Wolfe Moore as conferees on **H Sub SB 109** to replace Representatives Patton, Huebert and Trimmer.

The House announced the appointment of Representative Humphries to replace Representative Barker as a conferee on **HB 2280**. Representative Highland is appointed as the Chairman of the conference committee on the part of the House.

ORIGINAL MOTION

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **S Sub Sub HB 2359**.

The Vice President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Tyson the Senate nonconcurrred in the House amendments to **SB 415** and requested a conference committee be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a conference committee on the part of the Senate.

On motion of Senator Tyson the Senate nonconcurrred in the House amendments to **SB 449** and requested a conference committee be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a conference committee on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1791—

A RESOLUTION congratulating and commending members of the Seaman High School boys swim and dive team for winning the Kansas

Class 5-1A State Championship and for their successful season.

WHEREAS, The Seaman High School boys swim and dive team won the Kansas Class 5-1A State Championship held on February 16 and 17, 2018, in Topeka; and

WHEREAS, The team won first place by 150 points over second-place team, Bishop Miege High School; and

WHEREAS, Swimmer Zeke Metz was named the 5-1A State Championship Swim and Dive Athlete of the meet; and

WHEREAS, Coach Rod Garman was named the 5-1A Swim and Dive Co-coach of the year; and

WHEREAS, Swimmers on the team set five new state records for 5-1A boys swim and dive; and

WHEREAS, The 400-yard freestyle relay team of Zeke Metz, Josh Graves, Cameron Stanley and Joshua Florence won first place with a state meet record; and

WHEREAS, The 200-yard freestyle relay team of Josh Graves, James Sadler, Joshua Florence and Janson Garman won first place with a state meet record; and

WHEREAS, The 200-yard medley relay team of Cameron Stanley, Noah Florence, Zeke Metz and Janson Garman won second place and set a state meet record in the preliminary round; and

WHEREAS, Zeke Metz won first place in both the 200-yard freestyle and the 500-yard freestyle, setting a state meet record in each event; and

WHEREAS, Seaman was also represented in the 200-yard freestyle by Joshua Florence, Logan Stuke and Cooper Garman; in the 200-yard individual medley by Cameron Stanley, Josh Graves and James Sadler; in the 50-yard freestyle by Janson Garman, Devin Appelhanz, Nathan Brewer and Zach Bloom; in the 1-meter diving by Dylan Russell and Briar Dechand; in the 100-yard butterfly by James Sadler and Tristan Hahn; in the 100-yard freestyle by Josh Graves, Janson Garman, Spencer Allacher and Nathan Brewer; in the 500-yard freestyle by Joshua Florence, Noah Florence and Devin Appelhanz; in the 100-yard backstroke by Cameron Stanley, Spencer Allacher and Doug Wyer; and in the 100-yard breaststroke by Noah Florence, Logan Stuke, Cooper Garman and Chantz Barta; and

WHEREAS, The team had an undefeated season and won its third consecutive Topeka City Championship and its third consecutive Centennial League Championship; and

WHEREAS, The team was coached by Rod Garman, head swim coach; Bernard Tuck, assistant swim coach; Amy Watson, head dive coach and managed by Mya Kramer and Sierra Hahn: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend members of the Seaman High School boys swim and dive team for winning the Kansas Class 5-1A State Championship and for their successful season; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator V. Schmidt **SR 1791** was adopted unanimously.

The senate honored the team members and coaches with a standing ovation.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and

House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 61; SB 375; HB 2470, HB 2511, HB 2642, HB 2577.**

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Baumgardner moved the Senate concur in House amendments to **H Sub SB 61**.

H Sub SB 61, AN ACT concerning education; relating to the Kansas school equity and enhancement act; BASE aid amounts; school district local option budgets; amending K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, and 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, and repealing the existing sections.

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

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

Nays: Alley, Baumgardner, Fitzgerald, Masterson, Pyle, Suellentrop, Tyson, Wilborn.
Present and Passing: Francisco.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I vote "PASS" on the **House Substitute for Senate Bill 61**. I support the funding that is in this school finance bill, but recognize that the legislature could be more specific in programming and am very concerned that the "fix" creates a bifurcated classification of the local option budget for school districts. The legislature was told that we had made a mistake in the funding formula in the earlier bill we passed; now that we are working on a fix, we are learning of specific reasons that make the counting 15% of the local option budget as part of the state effort, essentially "effective base" funding, fail tests of equity. I believe any "fix" needs to address this concern.—MARCI FRANCISCO

PROTEST

Protest of Senator Hensley

Against Certain Provisions Contained in House Substitute for Senate Bill 61

April 30, 2018

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest certain provisions of **House Substitute for Senate Bill 61 ("H Sub SB 61")**.

New Section 1(a) of H Sub SB 61, known as the "Patton Fix," creates a bifurcated classification of the local option budget ("LOB") for school districts. Until now, the LOB has been a discretionary levy allowing school districts to decide whether to adopt an LOB and at what percentage up to 33%. Under H Sub SB 61, the first 15% of the LOB now becomes mandatory with the remaining portion between 15% and 33% to be discretionary (although districts going above 30% are subject to a protest petition).

New Section 1(b) of H Sub SB 61 then requires that the mandatory 15% LOB to be included “in determining the adequacy of the amount of total funding provided by the legislature in making suitable provision for finance of the educational interests of the state.” The same section also allows the discretionary portion of the LOB to be included in the same determination.

Supporters of the inclusion of the 15% mandatory LOB – and requiring that mandatory portion be counted as part of the total funding provided by the legislature for purposes of adequacy – are emphatic that these provisions “don’t do anything.” This justification, on its face, makes little sense. However, it seems much more ill-advised when considering that we are at a critical juncture in the remedy phase of the *Gannon* case. While these provisions may not have a practical effect in the school finance formula, they very well may “do something” in terms of violating Article 6 of the Kansas Constitution.

Additionally, the resolution required to be adopted and published by local school districts who increase their LOB levy above 30% requires that a percentage proportional to that amount of such school district’s total foundation aid attributable to the at-risk student weighting and bilingual weighting as compared to such district’s total foundation aid be spent on at-risk and bilingual education funding. *See* Section 5(h)(i) (A)-(B). This was adopted as new law in H Sub for SB 423. This is a further erosion of the discretionary aspect of the LOB levy. For example, USD 500, Kansas City, Kansas, which has 83% at risk and bilingual, would be required to spend at least 83% of their LOB fund for at risk and ELL services. USD 229, Blue Valley, which has 8% at risk and bilingual, would only have to spend 8% of their LOB fund for at risk and ELL services. This likely creates a substantial adequacy, equity, and structure issue.

1. The Patton Fix appears to codify the State’s “effective base” argument soundly rejected by the Court in *Gannon V*

In the State’s defense of 2017 SB 19 on adequacy grounds, the State advanced an argument that calculated an “effective base” by adding the funds from the authorized increases in the LOB to the new BASE amount. The State argued that “[w]ith LOB considered, SB 19 provides \$118,297,424 more funds in FY 18 than if the LPA study’s base – as calculated by the panel – were applied without LOB funding” *See* Brief of Appellant State of Kansas, pg. 14-15. The State went on to argue that when the increased LOB funds are calculated into the BASE, the “effective base” for FY 18 increases from \$4,006 to \$5,639. This, of course, sounds very familiar to the Aurand Amendment to H Sub SB 423 which inflated the BASE with the 15% mandatory LOB to \$4,900 for the 2018-2019 school year.

In *Gannon V*, the Court addressed the State’s “effective base” argument and soundly rejected it. The Court stated that it is a false equivalency to contend that the BASE and LOB funds are comparable because they “are fundamentally different with frequently different purposes.” *Gannon V*, slip op. pg. 39. This is because LOB-generated funds “do not provide the same fixed amount to every student regardless of their locale.” *Id* at pg. 40. The amounts of funding each school district receives from levying these mills vary widely from district to district because of differences in property wealth as well as differences in the LOB percentages of their general state aid authorized by their respective school boards. Suffice it to say, it is clear that not every student receives the

same amount of LOB funding. This is true even when considering supplemental state aid. *Id.*

The Court also pointed to the fact that LOB funds are not subject to the same limitations as BASE funding. “[L]OB funds can be used by districts in a myriad of other ways, *e.g.*, to directly supplement funding from the base formula” and now pay for nearly one-fourth of districts’ operating expenses. *Id.* at 41. Continuing this trend of greater reliance on LOB funding to displace BASE funding will result in less funding benefiting the weighted pupils through the funding formula. Such a trend would only further exacerbate the achievement issues identified by the Court through the application of the *Rose Standards*.

The adoption of the Patton Fix essentially codifies the “effective base” argument by continuing to mandate the 15% LOB for every school district then requiring that mandatory 15% LOB be counted in the “amount of funding provided by the legislature” It will be unsurprising if the State advances a similar argument that the BASE is really \$4,900 when you consider the mandatory 15% LOB and even more if you consider the discretionary portion of the LOB. This is a troubling path for the legislature to go down in an attempt to “fix” the Aurand Amendment.

2. The greater the reliance on LOB-generated funds, and the less the reliance on BASE-generated funds, the more the specter of unconstitutional structure looms

Not only does the Patton Fix raise concerns because of its codification of the previously rejected “effective base” argument, it has the potential to raise structure and equity issues. As was pointed out *infra*, the Court has repeatedly warned against overreliance on LOB-generated funds to provide for school finance funding. While there are a number of reasons for this, two reasons deserve particular note in connection with the Patton Fix. First, even with the supplemental state aid (equalization), not every Kansas student receives the same amount of funding from the LOB. In recognizing that the State’s decision to rely on increased LOB funding to adequately fund K-12 education has brought various challenges and those challenges are difficult to manage, the Court stated:

Nevertheless, the effort to mitigate the effects of these problems cannot extinguish the constitutional obligations to provide equitable funding. As we have previously cautioned: ‘[I]f local funding is to continue, this disparate effect has to be limited so it complies with Article 6.’

Gannon V, slip op. at 71 (citing *Gannon III*, 304 Kan. at 501). Currently, the State provides supplemental state aid (equalization) at 81.2%. Taking the step to codify the “effective base” argument after its wholesale rejection in *Gannon V* and another attempt to count LOB-generated funds as state funds provided by the legislature jeopardizes equity yet again. It is estimated that if the State would be required to go to 100% equalization with regard to the mandatory 15% LOB, it would cost approximately \$200 million per year in additional funding. Justice Biles made this exact point during oral arguments with regard to 2017 SB 19:

And I think greater reliance on the LOB to meet basic educational needs squarely creates an equity problem. Because you’re not equalizing at 100%, so that, so

even though you're at 81.2, the more you rely on LOB for basics, you're going to have to look at that equalization number because otherwise just to meet the basics some taxpayers are going to have to tax themselves harder than other taxpayers and that seems to me to be a pretty big problem the way this thing is set up right now.

(Kansas Supreme Court Archived Oral Arguments, *Gannon v. State*, July 18, 2017, at 33:09-33:49, retrieved April 30, 2018 at www.kscourts.org).

Second, changing the LOB levy from discretionary to partially mandatory – even with no practical effect – raises potential structure issues. While the Court has previously found that the structure of the previous school finance formula and the new – nearly identical one – passed in SB 19, are constitutional with regard to structure, it has warned that greater reliance on LOB-generated funds risks such constitutionality in the future. The Court noted that:

[T]he more that LOB funds are used to pay the expenses of the basic education owed to students, then the less that state funds will be necessary to do so. It logically follows that even less funding then will go to benefit the weighted pupils – whether bilingual education, vocational, at-risk, or otherwise – through the total foundation aid formula. And those funds will continue to be reduced as long as school boards, their voters, are able to increase their LOB authorizations and mill levies and use surrogate funds – with the legislature's empowerment and encouragement.

Gannon V, slip. op. 41. “[T]he greater the reliance on LOB-generated funds, and the less reliance on BASE-generated funds, the more the specter of unconstitutional structure looms.” *Id* at 41. To make such a change at this critical juncture seems ill advised. Especially when considering the provisions of Section 5(h)(i)(A)-(B) contained in H Sub SB 423.

3. The “do nothing” provisions in H Sub SB 61 carry a high likelihood of a special session to avoid a school shutdown this fall

In Justice Biles' concurring and dissenting opinion, he concurred in the majority's approach to stay the mandate on adequacy until June 30, 2018. However, he advocated for enjoining the implementation of the inequitable features of SB 19 from being operational during the 2017-18 school year. *Gannon V*, slip op. at 82. Justice Biles then went on to recount the lengthy history of the failings by the State in regard to equitable funding of K-12 education. Given this view and the clear frustration the Court as a whole has with the legislature regarding the school finance issue, rolling the dice on provisions that “do nothing” yet raise potential equity and structure issues seems extremely risky.

While there are serious problems with the adoption of the Patton Fix and there is more than enough justification to vote against H Sub for SB 61, time is short and rejecting this bill creates a substantial risk of not fixing the Aurand Amendment. This would leave flaws in the formula in place preventing the expenditure of portions of the already appropriated funds. Unfortunately, the most prudent approach at this juncture is to vote in favor of **H Sub for SB 61** and let the Court play its role as a co-equal branch

of government. — SENATOR ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the "Constitutional Protest" offered by Senator Hensley on **H Sub SB 61**.

Mr. Vice President: I supported the Senate plan for the school finance formula. However, I vote "aye" on **H Sub SB 61** because I believe the bill should be presented as those who voted for it perceived it to be when they voted for it.—DAN KERSCHEN

Senator Billinger requests the record to show he concurs with the "Explanation of Vote" offered by Senator Kerschen on **H Sub SB 61**.

Mr. Vice President: I submit the following tables supporting my yes vote on **H Sub SB 61**.—CAROLYN MCGINN

ATTACHMENT A

State of Kansas Education-Related Expenditures
(Excluding K-12 School Finance)
Updated for Senate Omnibus Budget Action

	FY 2018 through Senate Omnibus Action		FY 2019 through Senate Omnibus Action	
	State General Fund	All Funds	State General Fund	All Funds
General Government				
Attorney General				
DARE Program	-	25,000	-	25,000
Total-General Government	\$ -	\$ 25,000	\$ -	\$ 25,000
Human Services				
Department for Children & Families				
Child Care Assistance	10,429,859	39,428,376	10,429,859	36,491,520
Child Care Quality	-	5,083,046	-	5,083,046
Independent Living & Life Skills Svcs.	393,977	1,969,886	393,977	1,969,886
KS Early Head Start	-	9,238,642	-	9,238,642
Vocational Rehabilitation Case Svcs.	1,043,906	4,900,967	1,217,749	5,717,131
Smartmoves	-	219,435	-	1,219,435
EPIC Skillz	-	188,583	-	188,583
Urban Scholastic Center	-	109,253	-	109,253
Project Impact	-	-	-	189,317
Kansas Reading Roadmap	-	9,790,950	-	9,790,950
Kidzlit	-	877,725	-	1,877,725
Jobs for America's Graduates	-	4,400,000	-	3,750,000
Communities in Schools	-	1,453,487	-	1,789,520
<i>Subtotal-Children & Families</i>	<i>\$ 11,867,742</i>	<i>\$ 77,660,330</i>	<i>\$ 12,041,585</i>	<i>\$ 77,415,008</i>
Parsons St. Hospital & Training Ctr.				
Special Purpose School	350,000	350,000	350,000	350,000
Health & Environment-Health				
School Health	375,378	691,907	353,061	691,907
Infant & Toddler Services	1,000,000	11,153,186	1,000,000	11,151,104
Newborn Hearing Aid Loaner Prog.	-	41,346	-	40,602
Newborn Screening Metabolic/Hearing	16,700	768,200	16,700	773,868
<i>Subtotal-KDHE-Health</i>	<i>\$ 1,392,076</i>	<i>\$ 12,652,639</i>	<i>\$ 1,369,761</i>	<i>\$ 12,657,481</i>
Total-Human Services	\$ 13,609,818	\$ 90,662,969	\$ 13,761,346	\$ 90,422,489
Education				
Department of Education				
Parent Education Program	-	7,237,635	-	8,237,635
Pre-K Program	-	4,132,317	-	8,332,317
Kansas Reading Success	2,100,000	2,100,000	2,100,000	2,100,000
Communities in Schools	-	50,000	-	50,000
Mental Health Pilot Program	-	-	9,953,886	9,953,886
Teach for America	-	-	520,000	520,000
CAEDE Pilot	-	-	-	1,000,000
Children's Cabinet Programs	-	15,607,840	-	18,018,476
<i>Subtotal-Department of Education</i>	<i>\$ 2,100,000</i>	<i>\$ 29,127,792</i>	<i>\$ 12,573,886</i>	<i>\$ 48,212,314</i>
School for the Blind				
Education of Blind Children	5,368,299	7,043,445	5,435,728	6,767,521
School for the Deaf				

ATTACHMENT A

Education of Deaf Children	8,831,258	11,044,447	8,899,809	10,798,266
Kansas Board of Regents				
Excel in Career Tech. Ed. (SB 155)	28,050,000	28,050,000	28,050,000	28,050,000
Emporia State University				
Ctr. for Early Childhood Ed.	12,023	480,489	12,023	480,489
Reading Related Services	26,450	26,450	26,450	26,450
Enhancing Your Future	12,690	16,790	12,690	16,790
Sonia Kovalevsky Math Day	-	1,500	-	1,500
MASTER-IT	16,721	20,721	16,721	20,721
Family Literacy Program	360	30,458	372	30,470
Yes, I Can Do Science & Mathematics	-	5,750	-	5,750
Subtotal--Emporia State University	\$ 68,244	\$ 582,158	\$ 68,256	\$ 582,170
Fort Hays State University				
Herdon Clinic	586,319	777,523	586,319	777,523
Tigers Tots Nursery Center	-	103,452	-	103,452
Subtotal--Ft. Hays State University	\$ 586,319	\$ 880,975	\$ 586,319	\$ 880,975
Kansas State University				
Hoeflin Stone House	65,000	395,969	65,000	475,000
Early Childhood Laboratory	65,000	110,160	65,000	125,000
KSDE Food Program	-	7,000	-	7,000
Speech & Hearing Center	168,474	343,579	168,474	345,000
Subtotal--Kansas State University	\$ 298,474	\$ 856,608	\$ 298,474	\$ 952,000
Kansas State University--ESARP				
4-H Program	417,167	1,098,416	417,167	1,098,416
Youth Leadership Program	94,620	255,109	94,620	255,109
Army Youth & Teen Center	20,914	115,295	20,914	115,295
Community Youth Dev. & Training	26,998	114,745	26,998	114,745
Learning & Social Readiness	12,450	43,423	12,450	43,423
Improve Parenting Skills	707,299	1,371,609	707,299	1,371,609
Subtotal--KSU--ESARP	\$ 1,279,448	\$ 2,998,597	\$ 1,279,448	\$ 2,998,597
Pittsburg State University				
Pre-school Lab	17,587	34,694	17,587	34,694
Yes Program	17,636	35,350	17,636	35,350
America Reads Challenge	834	35,350	834	35,350
Science Day	-	984	-	984
Career Exploration	-	2,727	-	2,727
Subtotal--Pittsburg State University	\$ 36,057	\$ 109,105	\$ 36,057	\$ 109,105
University of Kansas				
Hilltop Child Dev. Center	-	2,509,000	-	2,552,000
E.A. Hill Child Dev. Center	-	495,000	-	503,000
School Performance Series	-	52,000	-	60,500
Architecture Design Camp	-	27,000	-	27,000
Media Workshop	-	55,000	-	57,000
Institute for Young Musicians	-	74,617	-	74,617
Museum of Art Programming	48,000	146,825	45,100	113,850
Subtotal--University of Kansas	\$ 48,000	\$ 3,359,442	\$ 45,100	\$ 3,387,967
Wichita State University				
Speech Language-Hearing Clinic	94,300	503,300	94,300	503,300
Nursing Health Screenings	9,300	9,300	9,300	9,300

ATTACHMENT A

Nursing Students Services	17,250	17,250	17,250	17,250
PA Health Sciences Program	-	9,500	-	9,500
Upward Bound	-	391,255	-	391,255
Regional Math/Science Program	-	320,124	-	320,124
Upward Bound--Communications	-	245,723	-	245,723
TRIO Talent Search--Proj. Disc.	-	559,200	-	559,200
GEAR UP	-	3,500,000	-	3,500,000
Teacher Education Majors	-	23,758	-	23,758
Child Development Center	-	690,041	-	690,041
America Reads Challenge	-	85,850	-	85,850
Communities in Schools	-	16,681	-	16,681
Subtotal--Wichita State University	\$ 120,850	\$ 6,371,982	\$ 120,850	\$ 6,371,982
Historical Society				
Educational Programming	16,584	26,200	16,584	26,200
State Library				
Summer Reading Program	-	40,500	-	40,500
KS Reads to Preschoolers	-	3,800	-	3,800
Children's Ebook Collections	-	47,000	-	50,000
Learning Foreign Language	-	-	-	-
Subtotal--State Library	\$ -	\$ 91,300	\$ -	\$ 94,300
Total--Education	\$ 46,803,533	\$ 90,542,051	\$ 57,410,569	\$ 109,231,397
Public Safety				
Department of Corrections				
Lawrence Gardner High School	2,451,425	2,528,374	2,407,805	2,528,374
Adjutant General				
Starbase	-	1,586,000	-	1,650,000
Total--Public Safety	\$ 2,451,425	\$ 4,114,374	\$ 2,407,805	\$ 4,178,374
Transportation				
Kansas Department of Transportation				
Safe Routes to Schools	-	855,496	-	855,496
Total--Transportation	\$ -	\$ 1,795,496	\$ -	\$ 1,795,496
TOTAL--Excluding K-12 School Finance	\$ 62,864,776	\$ 187,139,890	\$ 73,579,720	\$ 205,652,756
TOTAL--K-12 School Finance	\$ 3,371,430,869	\$ 4,417,091,828	\$ 3,448,622,911	\$ 4,587,764,220
GRAND TOTAL	\$ 3,434,295,645	\$ 4,604,231,718	\$ 3,522,202,631	\$ 4,793,416,976

EXPLANATION OF VOTE

Mr. Vice President: I strongly opposed **SB 423** when it was passed four weeks ago after midnight. To spend over \$500 million more annually, on top of \$300 million in new spending approved last year, represents a capitulation to the court and includes little policy reforms, such as measures that would require accountability, improve outcomes, and increase parental choice. Nor did **SB 423** address that the vast majority of school districts don't even use the LOB provided to them under current law. Therefore, throwing hundreds of millions of dollars into the same type of formula that has failed in the past is not the right answer. The entire legislative process for education funding created a bill with numerous problems. I support **H Sub SB 61** because it corrects a provision that otherwise would have unfairly eliminated funding from several specific school districts. For that narrow reason, I vote "yes" on **H Sub SB 61**.—MARY PILCHER-COOK

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pilcher-Cook on **H Sub SB 61**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 375** submits the following report:

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

On page 1, by striking all in lines 6 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 19 and inserting:

"New Section 1. The portion of K-15 from the southern city limits of the city of Clay Center, then south to its junction with K-82, is hereby designated as the master trooper Larry L. Huff memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master trooper Larry L. Huff memorial highway.

New Sec. 2. The portion of United States highway 50 from its junction with K-61 southwest of the city of Hutchinson, then west to the northwestern city limits of the city of Sylvia, is hereby designated as the trooper Conroy G. O'Brien memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Conroy G. O'Brien memorial highway.

New Sec. 3. The portion of United States highway 54 from the western city limits of the city of Meade, then west to the eastern city limits of the city of Plains, is hereby designated as the trooper Jimmie Jacobs memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Jimmie Jacobs memorial highway.

New Sec. 4. The portion of K-96 from its western junction with interstate highway 235, then northwest to the eastern city limits of the city of Mount Hope, is hereby designated as the trooper Ferdinand "Bud" Pribbenow memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Ferdinand "Bud" Pribbenow

memorial highway.

New Sec. 5. The portion of United States highway 83 from its junction with interstate highway 70, then north to the junction with United States highway 24, is hereby designated as the master trooper Dean A. Goodheart memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master trooper Dean A. Goodheart memorial highway.

New Sec. 6. The portion of K-18 from its junction with interstate highway 70, then northeast to the western city limits of the city of Manhattan, is hereby designated as the trooper John McMurray memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper John McMurray memorial highway.

New Sec. 7. The portion of United States highway 24 from its junction with United States highway 59 north of the city of Williamstown, then southeast to its junction with United States highway 40 north of the city of Lawrence, is hereby designated as the trooper Maurice R. Plummer memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Maurice R. Plummer memorial highway.

New Sec. 8. The portion of United States highway 59 from its junction with United States highway 56, then north to the southern city limits of the city of Lawrence, is hereby designated as the lieutenant Bernard C. Hill memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the lieutenant Bernard C. Hill memorial highway.

New Sec. 9. The portion of United States highway 81 from its junction with United States highway 166, then north to the Sedgwick county line, is hereby designated as the trooper James D. Thornton memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper James D. Thornton memorial highway.

New Sec. 10. On and after July 1, 2018, any sign that commemoratively designates a highway, bridge, interchange or trail in honor of an individual shall include, if applicable, the individual's:

(a) Rank, if a current or former member of law enforcement, the United States military or national guard; or

(b) title, if a current or former holder of an elected office or member of an elected body.

New Sec. 11. The portion of United States highway 69 from the junction of United States highway 69 and 167th street in Johnson county, then south on United States highway 69 to the junction of United States highway 69 and 215th street is hereby designated as the master deputy Brandon Collins memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master deputy Brandon Collins memorial highway.

Sec. 12. K.S.A. 68-1024 is hereby amended to read as follows: 68-1024. Kansas highway No. 15 from the Nebraska-Kansas boundary line ~~on the north, then south to the~~ southern city limits of Clay Center, then south from the junction with K-82 highway to

the Kansas-Oklahoma boundary line ~~on the south~~ is hereby designated as "the Eisenhower memorial highway." The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Eisenhower memorial highway.

Sec. 13. K.S.A. 68-1027 is hereby amended to read as follows: 68-1027. That portion of United States highway 50 from Emporia, then west to the junction with K-61 highway southwest of the city of Hutchinson, then west from the northwestern city limits of the city of Sylvia to Dodge City is hereby designated as the "turkey wheat trail highway," and the secretary of transportation is hereby directed to erect suitable signs and markers along such highway showing such designation.

Sec. 14. K.S.A. 2017 Supp. 68-1029 is hereby amended to read as follows: 68-1029. (a) The portion of United States highway 54 from the west city limits of the city of Greensburg, then southwest to the western city limits of the city of Meade, then in a southwesterly direction from the eastern city limits of the city of Plains to the Kansas-Oklahoma border, is hereby designated as "The Yellow Brick Road." The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is "The Yellow Brick Road," except that any additional signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

(b) The city of Liberal is hereby designated as "The Land of Oz" and "The Home of Dorothy of the Wizard of Oz."

Sec. 15. K.S.A. 68-1044 is hereby amended to read as follows: 68-1044. K-96 highway northwest from the ~~west city limits of the city of Wichita to the~~ eastern city limits of the city of Mount Hope, then west to the city limits of the city of Hutchinson is hereby designated as the State Fair freeway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the State Fair freeway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 16. K.S.A. 68-1054 is hereby amended to read as follows: 68-1054. United States highway 83 from the Kansas-Nebraska border ~~on the north, then south to the~~ junction with United States highway 24, then south from the junction with interstate highway 70 to the Kansas-Oklahoma border ~~on the south~~ is hereby designated the veterans of foreign wars memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the veterans of foreign wars memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 17. K.S.A. 2017 Supp. 68-1058 is hereby amended to read as follows: 68-1058. United States highway 24 from the west city limits of Topeka, then west on United States highway 24 to the west junction of United States highway 24 and K-177 highway, then south to the junction of K-177 highway and K-18 highway, then west on K-18 highway ~~through the to the western city limits of the city of Manhattan to the~~

junction with interstate highway 70, is hereby designated as the 75th division of the United States Army highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the 75th division of the United States Army highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 18. K.S.A. 2017 Supp. 68-10,114 is hereby amended to read as follows: 68-10,114. (a) On and after July 1, 2015, the secretary of transportation shall not place any signs commemoratively designating any highway, bridge, interchange or trail until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

(b) The provisions of this section shall not apply to K.S.A. 2017 Supp. 68-10,119 and sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, and amendments thereto.

Sec. 19. K.S.A. 2017 Supp. 68-10,119 is hereby amended to read as follows: 68-10,119. The portion of United States highway 75 from the northern border of Woodson county, then south on United States highway 75 to the northern city limits of the city of Yates Center is hereby designated as the sergeant Eldon K Miller memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the sergeant Eldon K Miller memorial highway."

Also on page 3, in line 20, before "K.S.A" by inserting "K.S.A. 68-1024, 68-1027, 68-1044, and 68-1054 and"; also in line 20, by striking " 8-1904 is" and inserting "68-1029, 68-1058, 68-10,114 and 68-10,119 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2, by striking all before the second semicolon and inserting "concerning roads and highways; relating to memorial highways, contents of signs, master deputy Brandon Collins and members of the Kansas highway patrol killed in the line of duty"; also in line 2, after "amending" by inserting "K.S.A. 68-1024, 68-1027, 68-1044 and 68-1054 and"; in line 3, by striking "8-1904" and inserting "68-1029, 68-1058, 68-10,114 and 68-10,119"; also in line 3, by striking "section" and inserting "sections";

RICHARD PROEHL

SHANNON FRANCIS

Conferees on part of House

MIKE PETERSEN

DAN GODDARD

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 375**.

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

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

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

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

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

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

By striking all on pages 2 through 24;

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

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

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

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

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

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

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

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

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

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

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

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

New Sec. 3. (a) The same requirements for patient privacy and confidentiality under the health insurance portability and accountability act of 1996 and 42 C.F.R. §

2.13, as applicable, that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine. Nothing in this section shall supersede the provisions of any state law relating to the confidentiality, privacy, security or privileged status of protected health information.

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

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

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

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

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

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

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

(b) No individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, health maintenance organization or the Kansas medical assistance program shall exclude an otherwise covered healthcare service from coverage solely because such service is provided through telemedicine, rather than in-person contact, or based upon the lack of a commercial office for the practice of medicine, when such service is delivered by a healthcare provider.

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

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

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

(1) Prohibit an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program from providing

coverage for only those services that are medically necessary, subject to the terms and conditions of the covered individual's health benefits plan;

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

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

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

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

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

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

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

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

New Sec. 7. If any provision of the Kansas telemedicine act, or the application thereof to any person or circumstance, is held invalid or unconstitutional by court order, then the remainder of the Kansas telemedicine act and the application of such provision to other persons or circumstances shall not be affected thereby and it shall be conclusively presumed that the legislature would have enacted the remainder of the Kansas telemedicine act without such invalid or unconstitutional provision, except that the provisions of section 6, and amendments thereto, are expressly declared to be nonseverable.

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

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

section.

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

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

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

Sec. 10. K.S.A. 2017 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles ~~60 to through 74, inclusive~~, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, ~~inclusive~~, 40-2a01 et seq., 40-2111 ~~to through~~ 40-2116, ~~inclusive~~, 40-2215 ~~to through~~ 40-2220, ~~inclusive~~, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 ~~to through~~ 40-2421, ~~inclusive~~, and 40-3301 ~~to through~~ 40-3313, ~~inclusive~~, and K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194 and sections 1 through 7, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

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

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

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

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "concerning health and healthcare; relating to the practice of telemedicine; Kansas medical assistance

program; enacting the Kansas telemedicine act; amending K.S.A. 2017 Supp. 40-2,103 and 40-19c09 and repealing the existing sections”;

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

VICKI SCHMIDT

BUD ESTES

Conferees on part of Senate

DANIEL HAWKINS

SUSAN CONCANNON

Conferees on part of House

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub HB 2028**.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 1; Absent or Not Voting 1.

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

Nays: Bollier, Francisco, Hensley, Kelly, Pettey, Rogers.

Present and Passing: Holland.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr Vice President: I vote “NO” on the Conference Committee Report for **S Sub HB 2028**. While I wholeheartedly support the policy we have put in place in this bill for telemedicine parity in Kansas, my oath is to uphold the constitution. Interfering with the private physician-patient relationship with non-medically based policy is something that as a physician, I cannot support, as it interferes with the constitutional right to decide in collaboration with a physician an individual’s medical care.—BARBARA BOLLIER

Mr. Vice President: Kansans deserve access to healthcare, and telemedicine provides that, especially for thousands in rural Kansas. That is why I have been a proponent of telemedicine and supported this bill when it was in its original form. This bill has since been hijacked and highly politicized by inserting an unnecessary and unprecedented severability clause to protect abortion policy that already exists in current statute and puts telemedicine at risk. Mr. Vice President, I vote “NO” on **Senate Substitute for House Bill 2028**. —LAURA KELLY

Senators Bollier, Francisco, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **S Sub HB 2028**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2470** submits the following report:

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

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2017 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(j) "Domestic beer" means beer which contains not more than ~~10%~~ 15% alcohol by weight and which is manufactured in this state.

(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of

correcting natural deficiencies.

~~(p)~~ "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

~~(q)~~ (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

~~(r)~~ "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(s)~~ "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(t)~~ "Minor" means any person under 21 years of age.

~~(u)~~ "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(v)~~ "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(w)~~ "Person" means any natural person, corporation, partnership, trust or association.

~~(x)~~ "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(y)~~ "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(z)~~ (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(aa)~~ "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(ab)~~ "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(ee)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed ~~as a beverage~~ by a human being, but shall not include any cereal malt beverage.

~~(e)~~(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

~~(d)~~(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(e)~~(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

~~(f)~~(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(g)~~(h) "Director" means the director of alcoholic beverage control of the department of revenue.

~~(h)~~(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

~~(i)~~(j) "Domestic beer" means beer which contains not more than ~~40%~~ 15% alcohol by weight and which is manufactured in this state.

~~(j)~~(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

~~(k)~~(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

~~(l)~~(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(m)~~(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

~~(n)~~(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

~~(o)~~(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

~~(p)~~(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

~~(q)~~(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(r)~~(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(s)~~(t) "Minor" means any person under 21 years of age.

~~(t)~~(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(u)~~(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(v)~~(w) "Person" means any natural person, corporation, partnership, trust or

association.

~~(w)~~(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(x)~~(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(y)~~(z) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(z)~~(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(aa)~~(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(cc)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing

sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 3. K.S.A. 2017 Supp. 41-308a is hereby amended to read as follows: 41-308a.

(a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (e), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

(6) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(7) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(8) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2017 Supp. 41-350, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (e), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 12 noon and 6 p.m. on Sunday~~. If authorized by subsection (a), a farm winery may serve samples of wine manufactured by the licensee and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.;"

Also on page 1, in line 21, after "(5)" by inserting "the sale, on the licensed premises in refillable and sealable containers to consumers for consumption off the licensed premises, of beer manufactured by the licensee, subject to the following conditions:

(A) Containers described in this paragraph shall contain not less than 32 fluid ounces and not more than 64 fluid ounces of beer; and

(B) the licensee shall affix a label to all containers sold pursuant to this paragraph clearly indicating the licensee's name and the name and type of beer contained in such container;

(6) ";

On page 3, in line 5, by striking "except"; in line 6, by striking all before the fifth period;

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

Also on page 3, by striking all in lines 41 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 26; and inserting:

"Sec. 5. K.S.A. 2017 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday~~. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 2017 Supp. 41-2614 is hereby amended to read as follows: 41-2614.

(a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and ~~9:00~~ 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or

as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 7. K.S.A. 2017 Supp. 41-2640 is hereby amended to read as follows: 41-2640.

(a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes;

(5) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (5).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes;

(6) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(7) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (6).

(c) A public venue, club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day;

(4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(e) (1) A public venue, club or drinking establishment may offer customer self-service of beer or wine, or both, from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such beer or wine, or both, from the automated devices.

(2) ~~The secretary may adopt rules and regulations as necessary to implement the provisions of this subsection (A)~~ For purposes of this subsection, "automated device" shall mean any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.

(B) No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of the licensee's intent to use the automated device. The licensee shall provide this notification at least 48 hours before any automated device is used on the licensed premises.

(C) Each licensee offering customer self-service of wine or beer, or both, from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director or other authorized law enforcement agent.

(D) The compensation required by subsection (a) shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this subparagraph shall be subject to the liquor drink tax imposed by K.S.A. 79-41a02, and amendments thereto.

(E) In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph (D).

(F) Each access card shall become inactive at the end of each business day.

(G) Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been

used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraph (D), (E), (F) or (G) shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

(3) The secretary shall adopt rules and regulations prior to January 1, 2019, as necessary to implement the provisions of this subsection.

(4) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card.

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

(g) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(h) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

(i) For purposes of this section, the term "day" means from 6:00 a.m. until 2:00 a.m. the following calendar day.

Sec. 8. K.S.A. 65-664 is hereby amended to read as follows: 65-664. A food shall be deemed to be adulterated:

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of the substance in such food does not ordinarily render it injurious to health; or (2) (A) it bears or contains any added poisonous or added deleterious substance, other than one which is; (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive, which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; ~~or~~ (B) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; or (C) it is or it bears or contains any food additive which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto. Where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under K.S.A. 65-667, and amendments thereto, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of

such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of K.S.A. 65-667, and amendments thereto, and ~~clause subparagraph (C) of this subsection~~, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; ~~or~~ (3) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or is otherwise unfit for food; ~~or~~ (4) it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; ~~or~~ (5) it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; ~~or~~ (2) any substance has been substituted wholly or in part therefor; ~~or~~ (3) damage or inferiority has been concealed in any manner; or (4) any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is. This subsection does not apply to any cured or smoked pork product by reason of its containing added water.

(c) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of ~~$\frac{4}{10}$ of 1%~~ 0.4%, harmless natural wax not in excess of ~~$\frac{4}{10}$ of 1%~~ 0.4%, harmless natural gum, and pectin. This subsection does not apply to any confectionery by reason of its containing ~~less than $\frac{1}{2}$ of~~ not more than 1% by volume of alcohol ~~derived solely from the use of flavoring extracts~~, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(d) If it is or bears or contains any color additive ~~which that~~ is unsafe within the meaning of K.S.A. 65-667, and amendments thereto.";

Also on page 5, in line 27, before "K.S.A." by inserting "K.S.A. 65-664 and"; also in line 27, by striking "41-104 and" and inserting "41-102, 41-308a,"; also in line 27, before "are" by inserting ", 41-354, 41-2614 and 41-2640"; following line 28, by inserting:

"Sec. 9. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first semicolon; in line 2, by striking all before "amending" and inserting "defining alcoholic candy; confectionery products containing alcohol and adulterated food products; expanding hours of sales; authorizing sale of refillable and sealable containers by microbreweries,"; also in line 2, after "amending" by inserting "K.S.A. 65-664 and K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and"; also in line 2, by striking "41-104 and" and inserting "41-102, 41-308a,"; in line 3, after "41-308b" by inserting ", 41-354, 41-2614 and 41-2640"; also in line 3, after "sections" by inserting "; also repealing K.S.A. 2017 Supp. 41-102, as amended by section 1 of this

act";

BUD ESTES
 ROB OLSON
 OLETHA-GOUDEAU
Conferees on part of Senate

JOHN BARKER
 RONALD HIGHLAND
 LOUIS RUIZ
Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2470**.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 1; Absent or Not Voting 1.

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

Nays: Baumgardner, Hilderbrand, Pyle, Tyson.

Present and Passing: Francisco.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2511** submits the following report:

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

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 11 and inserting:

"Section 1. K.S.A. 2017 Supp. 8-2005 is hereby amended to read as follows: 8-2005. (a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in subsection (a) shall be subject to the direction and control of the secretary of transportation with respect to highways and streets designated by the secretary as connecting links in the state highway system.

~~(c) In townships located in Douglas, Johnson, Riley, Shawnee and Sedgwick counties, the township board shall place and maintain traffic control devices, other than regulatory signs, on township roads under the board's jurisdiction. In addition, such township board shall place and maintain regulatory signs on township roads under the~~

board's jurisdiction consistent with resolutions of the board of county commissioners of the county in which the township road is located. For this purpose, a regulatory sign is a sign setting forth a regulation, the violation of which subjects the operator of the motor vehicle to fine, imprisonment, or both. In all counties operating under the county-township system, responsibilities for traffic-control devices and signage shall be as follows:

(1) Counties shall maintain the county roads and shall place and maintain traffic-control devices on county roads. Counties shall maintain and place on township roads signs related to county culverts and county bridges, and construction signage related to county projects on township roads.

(2) Township boards shall maintain the local township roads and shall place and maintain traffic-control signage on such township roads, except as provided in paragraph (1). Regulatory signs on township roads under the township board's jurisdiction shall be consistent with resolutions of the board of county commissioners of the county in which the township road is located.

(3) For purposes of this subsection, a regulatory sign is a sign setting forth a regulation, the violation of which subjects the operator of the motor vehicle to a fine, imprisonment, or both. Nothing in this subsection shall be construed as precluding the board of county commissioners from placing and maintaining traffic-control devices or street name signs on township roads, if the board determines that traffic-control devices or signs placed by a township are inadequate, but the board of county commissioners shall have no obligation to do so not be required to take such action.

(d) In all counties operating under the county road unit system, responsibilities for traffic-control devices and signage shall be as follows:

(1) Counties shall maintain the county roads and township roads and shall place and maintain all traffic-control devices on such roads.

(2) Township boards shall not be responsible for roads or signage.

(e) In all counties operating under the general county rural highway system, responsibilities for traffic-control devices and signage shall be as follows:

(1) Counties shall maintain the county roads and township roads and maintain all traffic-control devices on such roads in accordance with K.S.A. 68-591 et seq., and amendments thereto.

(2) Township boards shall not be responsible for roads or signage.

Sec. 2. K.S.A. 2017 Supp. 68-526 is hereby amended to read as follows: 68-526.

(a) In all counties not operating under the county road unit system operating under the county-township system, the township board shall have the general charge and supervision of all township roads and township culverts in their respective townships. The board shall procure machinery, implements, tools, drain tile, stone, gravel and any other material or equipment required, for the construction or repair of such roads and culverts. All work shall be done in accordance with any plans and specifications and the general regulations to be prepared and furnished by the county engineer. The township board shall place and maintain all such traffic-control devices for township roads as provided by K.S.A. 8-2005, and amendments thereto.

(b) In townships located in Douglas, Johnson, Riley, Shawnee and Sedgwick counties, the township board shall place and maintain traffic-control devices and guidance, warning and regulatory signs on all township roads as provided by K.S.A. 8-2005, and amendments thereto.

Sec. 3. K.S.A. 68-589 is hereby amended to read as follows: 68-589. As used in this act, the following terms shall have the meaning ascribed to them by this section unless the context otherwise requires. (a) "Municipality" means any city ~~or~~ county or township.

(b) "Governing body" as applied to a county, means the board of county commissioners; ~~and~~ as applied to a city means the governing body of ~~such~~ the city; and as applied to a township means the township board.";

Also on page 7, in line 12, before "K.S.A." by inserting "K.S.A. 68-589 and"; also in line 12, by striking "8-247 and 8-2,135" and inserting "8-2005 and 68-526";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "commercial driver's licenses, renewal period" and inserting "roads and highways; relating to traffic-control devices, maintenance thereof, counties and townships; townships, special highway improvement fund"; in line 2, after "amending" by inserting "K.S.A. 68-589 and"; also in line 2, by striking "8-247 and 8-2,135" and inserting "8-2005 and 68-526";

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

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

SHANNON FRANCIS

ADAM LUSKER, SR.

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2511**.

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

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

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2577** submits the following report:

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

On page 1, in line 13, before "administer" by inserting":

(1)";

Also on page 1, in line 16, before the period by inserting ";

(2) provide and maintain the reporting system necessary to comply with K.S.A. 65-5704, and amendments thereto; and

(3) provide training to owners or operators of Kansas facilities, Kansas first responders and Kansas emergency management officials on the existence, access and use of the reporting system established pursuant to the Kansas emergency planning and community right-to-know act";

Also on page 1, in line 23, by striking all after "(1)"; by striking all in line 24; in line 25, by striking "(2)";

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

On page 2, in line 10, by striking all after the first "the"; in line 11, by striking "program" and inserting "purposes described in section 1(b), and amendments thereto"; in line 13, by striking all after "the"; in line 14, by striking all before the comma and inserting "purposes described in section 1(b), and amendments thereto";

On page 3, following line 8, by inserting:

"Sec. 3. K.S.A. 65-5725 is hereby amended to read as follows: 65-5725. (a) Except as otherwise provided by this order, all of the powers, duties, and functions of the secretary of health and environment relating to provision of support for the oversight and administrative activities of the state commission on emergency planning and response commission as provided in K.S.A. 65-5704(a), and amendments thereto, are hereby transferred to and conferred and imposed upon the adjutant general.

(b) Except as otherwise provided by this order, whenever the words "secretary of health and environment" or words of like effect are referred to or designated by a statute, rule and regulation, contract or other document in connection with the powers, duties, and functions transferred from the secretary of health and environment to the adjutant general by this order, the reference or designation shall be deemed to apply to the adjutant general.";

Also on page 3, in line 9, by striking "is" and inserting "and 65-5725 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "fee restrictions; secretary of health and environment, rules and regulations;"; also in line 3, after "65-5704" by inserting "and 65-5725"; in line 4, by striking "section" and inserting "sections";

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

DAN KERSCHEN

BUD ESTES

MARCI FRANCISCO

Conferees on part of Senate

TOM SLOAN

KEN RAHJES

PONKA-WE VICTORS

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2577**.

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

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

Nays: Tyson.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2642** submits the following report:

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

On page 3, following line 16, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 25-4152 is hereby amended to read as follows: 25-4152. (a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, and to the candidate appointing any treasurer failing to file any such report, within the time period prescribed therefor. The notice shall state that the required report or statement has not been filed with either the office of secretary of state or county election officer or both. The person failing to file any report or statement, and the candidate appointing any such person, shall be responsible for the filing of such report or statement. The notice also shall state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b) (1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and amendments thereto, for candidates that appear on the ballot for the then-current primary or general election ballot and are late more than 48 hours shall be subject to civil penalties as provided in subsection (b) (2).

(2) The candidate shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(c) (1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4145 and 25-4148, and amendments thereto, for each political committee that anticipates receiving \$2,501 or more in any calendar year and are late more than 48 hours shall be subject to civil penalties as provided in subsection (c)(2).

(2) The political committee shall be liable for a civil penalty of \$100 for the first

day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(d) Civil penalties provided for by this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

(e)(e) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

Sec. 3. K.S.A. 2017 Supp. 46-268 is hereby amended to read as follows: 46-268.

(a) Except as otherwise provided in subsection (b), every lobbyist shall file electronically with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the 10th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file electronically an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed. If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).

Sec. 4. K.S.A. 2017 Supp. 46-280 is hereby amended to read as follows: 46-280.

(a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to register or to file any report or statement as required by K.S.A. 46-247, ~~or 46-265 or 46-268~~, and amendments thereto, within the time period prescribed therefor. The notice shall state that the required registration, report or statement had not been filed with the office of secretary of state. The notice also shall state that such person shall have five days from the date of receipt of such notice to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within such period, such person shall pay to the state a civil penalty of \$10 per day for each day that such person remains unregistered or that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed hereunder.

(b) Subject to the notice provisions of subsection (a), reports required for lobbyists under K.S.A. 46-268, and amendments thereto, that are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2) The lobbyist shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause,

payment of any civil penalty imposed by this section.

~~(c)~~ Whenever the commission shall determine that any report filed by a lobbyist as required by K.S.A. 46-269, and amendments thereto, is incorrect, incomplete or fails to provide the information required by such section, the commission shall notify such lobbyist by registered or certified mail, specifying the deficiency. Such notice shall state that the lobbyist shall have 30 days from the date of the receipt of such notice to file an amended report correcting such deficiency before a civil penalty will be imposed and the registration of such lobbyist revoked and the badge be required to be returned to the office of the secretary of state. A copy of such notice shall be sent to the office of the secretary of state. If such lobbyist fails to file an amended report within the time specified, such lobbyist shall pay to the commission a civil penalty of \$10 per day for each day that such person fails to file such report except that no such civil penalty shall exceed \$300. On the 31st day following the receipt of such notice, the registration of any lobbyist failing to file such amended report shall be revoked.

~~(e)~~~~(d)~~ Civil penalties provided for by this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

~~(d)~~~~(c)~~ (1) Except as provided in subsection paragraph (2), if a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(2) If a person required to file under ~~subsection (f)~~ of K.S.A. 46-247~~(f)~~, and amendments thereto, fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover ~~such the~~ civil penalty in the district court of Shawnee county, Kansas.

Sec. 5. K.S.A. 25-3205 is hereby amended to read as follows: 25-3205. ~~(a)~~ The state board of canvassers shall be the board of canvassers for the final canvass of the primary election of national and state officers. Provisions of law relating to the canvass of the national and state general elections shall, as far as applicable, apply to the canvass and certification of the secretary of state of ~~such the~~ primary elections. The state board of canvassers shall meet at the office of the secretary of state on the call of the secretary of state as soon as convenient after the tabulation of the returns is made. The meeting shall be called not later than September 1 next following ~~such the~~ election, except when ~~such the~~ date falls on Sunday, then not later than the next following day which is not a legal holiday, and may recess from time to time until the final canvass is completed.

As soon as ~~such the~~ final canvass of the primary election shall be completed, the secretary of state shall publish in the Kansas register a certified statement of the candidates for the presidential electors, United States senator, representatives in congress and all state officers or so many of ~~such the~~ officers as may have been voted for at ~~such the~~ election. On the fourth day after the completion of such final canvass or as soon as practicable thereafter, the secretary of state shall mail to each candidate found by the state board of canvassers to be duly nominated a certificate of nomination, showing the name of the candidate, the party by whom nominated and the office for which the candidate is nominated as specified in the nomination papers and determined

by the state board of canvassers.

(b) The secretary of state shall publish on the official secretary of state website results by precinct for all federal offices, statewide offices and for state legislative offices not later than 30 days after the final canvass of the primary election is complete.

Sec. 6. K.S.A. 25-3206 is hereby amended to read as follows: 25-3206. (a) The state board of canvassers shall make the final canvass of national and state primary and general elections. ~~Such~~ The board shall also make the final canvass of elections upon constitutional amendments and all questions submitted to election on a statewide basis, including questions on retention in office of justices of the supreme court, judges of the court of appeals and judges of the district court.

(b) For the purpose of canvassing elections specified in subsection (a), the state board of canvassers shall meet on the call of the secretary of state, in the secretary's office, as soon as convenient after the tabulation of the returns is made. In the case of general elections, the meeting shall be called not later than December 1 next following ~~such~~ the election, except when ~~such~~ the date falls on Sunday, then not later than the following day, and may recess from time to time until the canvass is completed.

(c) The state board of canvassers shall, upon the abstracts on file in the office of secretary of state, proceed to make final canvass of any election for officers specified in subsection (a). The state board of canvassers shall certify a statement which shall show the names of the persons receiving votes for any of ~~such~~ the offices, and the whole number received by each, distinguishing the districts and counties in which they were voted.

(d) The state board of canvassers shall, upon the abstracts on file in the office of the secretary of state, proceed to make final canvass and determination of the result of statewide question submitted elections. The state board of canvassers shall certify a statement of the number of votes on each question and the result thereof.

(e) The state board of canvassers shall certify such statements to be correct, and the members shall subscribe their names thereto, and the board shall determine what persons have been elected to such offices and the members shall endorse and subscribe on the statement a certificate of ~~such~~ the determination and deliver them to the secretary of state.

(f) The secretary of state shall publish on the official secretary of state website election results by precinct for all federal offices, statewide offices and for legislative offices not later than 30 days after the final canvass of the general election results;

Also on page 3, in line 17, before "K.S.A." by inserting "K.S.A. 25-3205 and 25-3206 and"; also in line 17, after "Supp." by inserting "25-4152,"; also in line 17, by striking "is" and inserting ", 46-268 and 46-280 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "campaign finance; dealing with" and inserting "elections; relating to"; in line 2, after the semicolon by inserting "campaign finance reports; publishing of election results,"; also in line 2, after "amending" by inserting "K.S.A. 25-3205 and 25-3206 and"; also in line 2, after "Supp." by inserting "25-4152,"; also in line 2, after "25-4156" by inserting ", 46-268 and 46-280"; in line 3, by striking "section" and inserting "sections";

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

ELAINE BOWERS
STEVE FITZGERALD

OLETHA FAUST-GOUDEAU
Conferees on part of Senate

KEITH ESAU
BLAKE CARPENTER
VIC MILLER
Conferees on part of House

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2642**.

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

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

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CHANGE IN CONFERENCE

The Vice President appointed Senators Estes, Olson, and Faust-Goudeau to replace Senators Petersen, Goddard, and Pettey as members of the conference committee on **Sub HB 2194**.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 1, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

