

Journal of the Senate

SIXTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, April 7, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Senator Fitzgerald:

God, we ask you to help us, to give us open minds to hear each other with charity. We ask for understanding and wisdom to know and to appreciate all points of view but also to know your will. We ask for courage to do what is right and noble regardless of all else. Lord, we ask for the ability to be good and faithful servants of the people of Kansas but yours first. We ask this in Christ's Name, Amen

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, submitted by the Governor to the Senate for confirmation was considered

Senator Denning moved the following appointment be confirmed as recommended by the **Committee on Utilities**

State Corporation Commission:

Dwight Keen

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

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

The appointment was confirmed.

ORIGINAL MOTION

Senator 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: **Sub HB 2602; HB 2542; HB 2583, HB 2476, HB 2482; S Sub S Sub HB 2386; S Sub HB 2600; Sub HB 2556; S Sub HB 2701, S Sub HB 2028; SB 275, SB 263; S Sub HB 2228 and SB 328.**

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Kerschen moved the Senate concur in House amendments to **SB 263**.

SB 263, AN ACT concerning industrial hemp; enacting the alternative crop research act; excluding industrial hemp from definition of marijuana and cannabinoids; amending K.S.A. 2017 Supp. 21-5701, 21-5702, 65-4101 and 65-4105 and repealing the existing sections.

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 Senate concurred.

Senator Longbine moved the Senate concur in House amendments to **SB 275**.

SB 275, AN ACT concerning credit unions; relating to expulsion of members; credit union council; terms of service; two-term limit; amending K.S.A. 17-2219 and 17-2232 and repealing the existing sections.

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 Senate concurred.

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 6, 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. (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 licensed 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. 8. 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 6, 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. 9. 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 6, 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

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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. 10. 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 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
BARBARA BOLLIER
LAURA KELLY
Conferees on part of Senate

DANIEL HAWKINS
SUSAN CONCANNON
MONICA MURNAN
Conferees on part of House

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

Senator Masterson made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed.

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

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

The motion failed.

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

On roll call, the vote was: Yeas 24; Nays 14; Present and Passing 2; Absent or Not Voting 0.

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

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

Present and Passing: Billinger, Estes.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President, I vote in support of **HB 2028** because of the critical need that exists for healthcare in rural Kansas. Telemedicine promises to provide access to health care to 1000's of Kansans. The specific provision in section six of the Bill prevents abortion from being administered through Telemedicine. As someone who is strongly prolife I feel that section 7 on non severability is redundant and does nothing to strengthen the prolife intention of section six.—Ed Berger

Senators Hardy, Longbine and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **HB 2028**.

Mr. Vice President: I vote "AYE" on **HB 2028**. Kansas desperately needs the Kansas Telemedicine Act to ensure a strong health care system throughout our state. However, I do not support Section 6, where religious beliefs not held by all are restricting the constitutional rights of Kansas women. The privacy of the patient-physician relationship should be held in highest regard; I cannot support placing barriers on this privacy for what is constitutionally legal medical practice.—BARBARA BOLLIER

Mr. Vice President: It is telling that the opponents of including a non-severability clause for the prohibition of abortion by telemedicine say the clause is of no importance as a court will undoubtedly disregard any severability clause and they claim that the prohibition of using telemedicine for abortions is redundant and unnecessary. Yet, they fight, as we see, to exclude the non-severability clause that passed the House unanimously on the pretext that the House conferees would not accept it. The real reason is that they realize that with non-severability it is unlikely that the section on abortion would be challenged in court as the remainder of the bill is too important. The only reason why non-severability is opposed is to prepare for an anticipated suit against the prohibition of abortion by telemedicine. There can be no other reason. They are setting the conditions for that suit. Again, with non-severability it is unlikely that the matter would come before the court as no suit would be brought. Without non-severability we can expect the proponents of abortion to bring suit as soon as possible. That will endanger all of our anti-abortion laws and that is their ultimate aim. I vote against **HB 2028**; it should be returned to conference committee and fixed.—STEVE FITZGERALD

Senators Hilderbrand, Lynn and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Fitzgerald on **HB 2028**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2386** 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 2, following line 30, by inserting:

"(9) Kansas real estate commission;

- (10) office of the attorney general;
- (11) department of insurance;";

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

Also, on page 2, following line 34, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 39-970 is hereby amended to read as follows: 39-970.

(a) As used in this section:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home or adult day care facility that is required to be licensed to operate by the secretary for aging and disability services.

(2) "Applicant" means an individual who applies for employment with an adult care home or applies to work for an employment agency or as an independent contractor who provides staff to an adult care home.

(3) "Completion of the sentence" means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

(4) "Department" means the Kansas department for aging and disability services.

(5) "Direct access" means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer's property, personally identifiable information, medical records, treatment information or financial information.

(6) "Direct supervision" means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

(7) "Employment agency" means an organization or entity that has a contracted relationship with an adult care home to provide staff with direct access to consumers.

(8) "Independent contractor" means an organization, entity, agency or individual that provides contracted workers or services to an adult care home.

(9) "Secretary" means the secretary for aging and disability services.

(b) (1) No person shall knowingly operate an adult care home if, in the adult care home, there works any person who has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committed an act which that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to

K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this ~~subsection (a)(1) paragraph~~, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this ~~subsection (a)(1) paragraph~~, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this ~~subsection (a)(1) paragraph~~, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection ~~(a)(2)(C)~~ (b)(2)(C) shall not apply to any person who is employed by an adult care home on or before July 1, 2010, and while continuously employed by the same adult care home or to any person during or upon successful completion of a diversion agreement.

(2) A person operating an adult care home may employ an applicant who has been convicted of any of the following if ~~five six~~ or more years have elapsed since ~~the applicant satisfied completion of~~ the sentence imposed or ~~the applicant~~ was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; ~~or if five six~~ or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification: A felony conviction for a crime ~~which that~~ is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, ~~or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418~~, and amendments thereto, except those crimes listed in subsection ~~(a)(1) (b)(1)~~; (B) articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. ~~21-6419 through 21-6421 21-6420~~, and amendments thereto, except those crimes listed in subsection ~~(a)(1) (b)(1)~~ and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2017 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D)

an attempt to commit any of the crimes listed in this ~~subsection (a)(2)~~ paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in ~~subsection (a)(2)~~ this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in ~~subsection (a)(2)~~ this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(3) A person operating an adult care home may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21-5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924, and amendments thereto; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to

K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto.

The provisions of this paragraph (3) shall not apply to any person who is employed by an adult care home on or before July 1, 2018, and is continuously employed by the same adult care home or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(b)(c) No person shall operate an adult care home if such person has been found to be in need of a guardian or conservator, or both as provided in ~~K.S.A. 59-3050 through 59-3095, and amendments thereto~~ the act for obtaining a guardian or a conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

(e) The secretary for aging and disability services shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, concerning persons working in an adult care home. The secretary shall have access to these records for the purpose of determining whether or not the adult care home meets the requirements of this section. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and adjudications of any other state or country concerning persons working in an adult care home to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the adult care home.

(3) An applicant for employment in an adult care home shall have 20 calendar days after receipt of authorization to submit the applicant's fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant's application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed \$19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

~~(d)~~(c) For the purpose of complying with this section, the operator of an adult care home shall request from the Kansas department for aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates to a person who works in the adult care home, or is being considered for employment by the adult care home, for the purpose of determining whether such person is subject to the provision of this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, the operator of an adult care home shall receive from any employment agency which or independent contractor that provides employees to work in the adult care home written certification that such employees are not

prohibited from working in the adult care home under this section. ~~For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two-week period.~~ For the purpose of complying with this section, a person who operates an adult care home may hire an applicant for provisional employment on a conditional one-time basis of 60 calendar days pending the results from the Kansas department for aging and disability services of a request for information under this subsection. A provisional employee may only be supervised by an employee that has completed all training required by federal regulations, rules and regulations of the department and the adult care home's policies and procedures. No adult care home, the operator or employees of an adult care home or an employment agency, ~~or the operator or employees of an employment agency, or an independent contractor~~ shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such adult care home's compliance with the provisions of this section if such adult care home or employment agency acts in good faith to comply with this section.

~~(e) The secretary for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed \$10, for each name about which an information request has been submitted to the department under this section.~~

~~(f)-(1) The secretary for aging and disability services shall provide each operator requesting information under this section with the criminal history record information concerning a pass or fail determination after review of any criminal history record information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation. The criminal history record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).~~

~~(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau of investigation that further confirmation is required. The secretary shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.~~

~~(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.~~

~~(4) The secretary for aging and disability services shall not provide each operator~~

requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2017 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto.

~~(5) An operator who receives criminal history record information under this subsection shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph shall be an unclassified misdemeanor punishable by a fine of \$100.~~

~~(g) No person who works for an adult care home and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the adult care home shall be subject to the provisions of this section.~~

~~(h)(g) A person who volunteers in an adult care home shall not be subject to the provisions of this section because of such volunteer activity unless the volunteer performs equivalent functions to those performed by direct access employees.~~

~~(i) An operator may request from the Kansas department for aging and disability services criminal history information on persons employed under subsections (g) and (h).~~

~~(j)(h) No person who has been continuously employed by the same adult care home since July 1, 1992, shall be subject to the provisions of this section while employed by such adult care home.~~

~~(k)(i) The operator of an adult care home shall not be required under this section to conduct a background criminal history record check on an applicant for employment with the adult care home if the applicant has been the subject of a background criminal history record check under this act within one year prior to the application for employment with the adult care home. The operator of an adult care home where the applicant was the subject of such background check may release a copy of such background check to the operator of an adult care home where the applicant is currently applying.~~

~~(h)(j) No person who is in the custody of the secretary of corrections and who provides services, under direct supervision in nonpatient areas, on the grounds or other areas designated by the superintendent of the Kansas soldiers' home or the Kansas veterans' home shall be subject to the provisions of this section while providing such services.~~

~~(m) For purposes of this section, the Kansas bureau of investigation shall report any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an~~

adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, to the secretary for aging and disability services when a background check is requested.

(k) (1) All fees charged by the secretary for criminal history record checks conducted pursuant to this section shall be established by rules and regulations of the secretary.

(2) All moneys collected and remitted to the Kansas department for aging and disability services for fees charged for criminal history record checks conducted pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state licensure fee fund created by K.S.A. 39-930, and amendments thereto.

(l) The Kansas department for aging and disability services may implement the amendments made to this section by this act in phases for different categories of employers. The department shall adopt rules and regulations establishing dates and procedures for the implementation of the criminal history record checks required by this section, and such dates may be staggered to facilitate implementation of the criminal history record checks required by this section.

(m) Upon authorization by the secretary for aging and disability services, other state agencies may access an internet-based application portal that is operated and maintained by the Kansas department for aging and disability services for purposes of processing criminal history record information requests in accordance with this section. Agencies may not share criminal history record information or the resulting pass or fail determinations with any other agency. The secretary for aging and disability services may charge an authorized agency the amount of \$1 per request made pursuant to this subsection.

(n) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 3. K.S.A. 2017 Supp. 39-2009 is hereby amended to read as follows: 39-2009.

(a) As used in this section:

(1) "Applicant" means an individual who applies for employment with a center, facility, hospital or a provider of services or applies to work for an employment agency or as an independent contractor that provides staff to a center, facility, hospital or a provider of services.

(2) "Completion of the sentence" means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

(3) "Department" means the Kansas department for aging and disability services.

(4) "Direct access" means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer's property, personally identifiable information, medical records, treatment information or financial information.

(5) "Direct supervision" means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

(6) "Employment agency" means an organization or entity that has a contracted relationship with a center, hospital, facility or provider of services to provide staff with direct access to consumers.

(7) "Independent contractor" means an organization, entity, agency or individual that provides contracted workers or services to a center, facility, hospital or provider of services.

(b) (1) ~~No licensee shall knowingly operate a center, facility, hospital or be a provider of services if any person who works in the center, facility, hospital or for a provider of services:~~

~~(1) (A) Has a felony conviction for a crime against persons;~~

~~(B) has a felony conviction under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;~~

~~(C) has a conviction of any act which is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or a conviction of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, to commit any such act or a conviction of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government; or~~

~~(D) has been convicted of any act which is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;~~

~~(2) has been adjudicated a juvenile offender because of having committed an act which if committed by an adult would constitute the commission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or similar statutes of other states or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;~~

~~(3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2017 Supp. 38-2226, and amendments thereto, and;~~

~~(A) The person has failed to successfully complete a corrective action plan which had been deemed appropriate and approved by the Kansas department for children and families; or~~

~~(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families;~~

~~(4) has had a child removed from home based on a court order pursuant to K.S.A. 2017 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual~~

abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan;

(5) ~~has had parental rights terminated pursuant to the revised Kansas code for the care of children or a similar statute of another state; or~~

(6) ~~has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2017 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committing an act that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government.~~

(2) A licensee operating a center, facility or hospital or as a provider of services may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if the applicant has been granted a waiver of such six-year disqualification: A felony conviction for a crime that is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, except those crimes listed in paragraph (1); (B) article 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6420, and amendments thereto, except those crimes listed in paragraph (1); (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and the criteria to be utilized by the secretary in evaluating any such waiver request.

(3) A licensee operating a center, facility, hospital or as a provider of services may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21- 5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21- 5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals

pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions of this paragraph shall not apply to any person who is employed by a center, facility, hospital or provider of services on or before July 1, 2018, and is continuously employed by the same center, facility, hospital or provider of services or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

~~(b)~~(c) No licensee shall operate a center, facility, hospital or be a provider of services if such person has been found to be an adult with an impairment in need of a guardian or a conservator, or both, as provided in the act for obtaining a guardian or conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and

adjudications of any other state or country concerning persons working in a center, facility, hospital or for a provider of services to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the center, facility, hospital or for a provider of services.

(3) An applicant for employment in an center, facility, hospital or for a provider of services shall have 20 calendar days after receipt of authorization to submit the applicant's fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant's application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed \$19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

~~(e)~~(d) The secretary shall notify the provide each licensee, within 10 business days, when the result of the national criminal history record check or other appropriate review reveals unfitness as specified in subsections (a)(1) through (6) with regard to the person who is the subject of the review requesting information under this section with a pass or fail determination after review of any criminal history record information in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation.

~~(d) No licensee, its contractors or employees, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such licensee's compliance with the provisions of this section if such licensee acts in good~~

faith to comply with this section:

(c) Any licensee or member of the staff who receives information concerning the fitness or unfitness of any person shall keep such information confidential, except that the staff person may disclose such information to the person who is the subject of the request for information. A violation of this subsection shall be an unclassified misdemeanor punishable by a fine of \$100.

~~(f) The licensing agency may require a person seeking licensure or applying to work in a facility to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The licensing agency is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The licensing agency may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, work with, or provide services to individuals as applicable under this act.~~

~~(g) The secretary shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, including adjudications of a juvenile offender which if committed by an adult would have been a felony conviction for the purposes specified in this act. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.~~

~~(h) The secretary shall charge each person or licensee requesting information under this section a fee equal to cost for each person about which an information request has been submitted to the department under this section.~~

~~(i)(f) For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall request from the Kansas department for aging and disability services information regarding any criminal history information relating to a person who works in the center, facility, hospital or for a provider of services, or who is being considered for employment or volunteer work in the facility, center, hospital or with the service provider, for the purpose of determining whether such person is subject to the provisions of this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall report the dates of employment and separation of all persons working for the licensee operating a center, facility, hospital or a provider of services. For the purposes of complying with this section, any employment agency which provides employees to work in a center, facility, hospital or a provider of services shall request and receive an eligibility determination from the Kansas department for aging and disability services. Any licensee operating a center, facility, hospital or a provider of services will obtain written documentation that such employees are eligible to work receive from any employment agency or independent contractor that provides employees to work in the center, facility, hospital or for the provider of services written certification that such employees are not prohibited from working in the center, facility, hospital or for the provider of services under this section. For the purpose of complying~~

with this section, a licensee may hire an applicant for provisional employment on a ~~conditional one-time~~ basis of 60 calendar days pending the results from the Kansas department for aging and disability services of an eligibility determination under this subsection. ~~As required by the patient protection and affordable care act, 42 U.S.C. § 18001, a person disqualified from employment due to a valid background check may appeal in accordance with requirements, standards, rules and regulations to be promulgated by the secretary.~~ A provisional employee may only be supervised by an employee who has completed all training required by federal regulations, department rules and regulations and the center's, facility's, hospital's or provider of services' policies and procedures. No licensee, its contractors or employees, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such licensee's compliance with the provisions of this section if such licensee acts in good faith to comply with this section.

~~(j) No person who works for a center, facility or hospital and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the center, facility or hospital shall be subject to the provisions of this section.~~

~~(k) A licensee may request from the Kansas department for aging and disability services criminal history information on persons employed under subsection (j).~~

~~(h)(g)~~ The licensee operating a center, facility, hospital or a provider of services shall not require an applicant under this section to be fingerprinted, if the applicant has been the subject of a background criminal history record check under this act within one year prior to the application for employment with the licensee operating a center, facility, hospital or a provider of services and has maintained a record of continuous employment, with no lapse of employment of over 90 days in any center, facility, hospital or a provider of services covered by this act.

~~(m) No person who is in the custody of the secretary of corrections and who provides services under direct supervision in non-patient areas on the grounds or other areas designated by the secretary of corrections shall be subject to the provisions of this section while providing such services.~~

Sec. 4. K.S.A. 2017 Supp. 65-5117 is hereby amended to read as follows: 65-5117.

(a) As used in this section:

(1) "Applicant" means an individual who applies for employment with a home health agency or applies to work for an employment agency or as an independent contractor that provides staff to a home health agency.

(2) "Completion of the sentence" means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

(3) "Department" means the Kansas department for aging and disability services.

(4) "Direct access" means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer's property, personally identifiable information, medical records, treatment information or financial information.

(5) "Direct supervision" means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

(6) "Employment agency" means an organization or entity that has a contracted relationship with a home health agency to provide staff with direct access to consumers.

(7) "Independent contractor" means an organization, entity, agency or individual that provides contracted workers or services to a home health agency.

(b) (1) No person shall knowingly operate a home health agency if, for the home health agency, there works any person who has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committed an act ~~which~~ that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection ~~(a)~~ (b)(2)(C) shall not apply to any person who is employed by a home health agency on or before July 1, 2010, and while continuously employed by the same home health agency or to any person during or upon successful completion of a

diversion agreement.

(2) A person operating a home health agency may employ an applicant who has been convicted of any of the following if ~~five~~ six or more years have elapsed since ~~the applicant satisfied completion of~~ the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; ~~or if five~~ six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; ~~or if the applicant has been granted a waiver of such six-year disqualification:~~ A felony conviction for a crime ~~which that~~ is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, ~~or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418,~~ and amendments thereto, except those crimes listed in subsection ~~(a)~~ (b)(1); (B) ~~articles~~ article 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. ~~21-6419 through 21-6421~~ 21-6420, and amendments thereto, except those crimes listed in subsection ~~(a)~~ (b)(1) and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2017 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and the criteria to be utilized by the secretary in evaluating any such waiver request.

(3) A person operating a home health agency may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21- 5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924; promoting obscenity or

promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions of this paragraph shall not apply to any person who is employed by a home health agency on or before July 1, 2018, and is continuously employed by the same home health agency or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(b)(c) No person shall operate a home health agency if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in ~~K.S.A. 59-3050 through 59-3095, and amendments thereto~~ the act for obtaining a guardian or a conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

~~(e) The secretary of health and environment shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, concerning persons working for a home health agency. The secretary shall have access to these records for the purpose of determining whether or not the home health agency meets the requirements of this section.~~

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and adjudications of any other state or country concerning persons working in a home health agency to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department of health and environment for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the home health agency.

(3) An applicant for employment in an home health agency shall have 20 calendar days after receipt of authorization to submit the applicant's fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant's application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed \$19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and

relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

~~(d)(c)~~ For the purpose of complying with this section, the operator of a home health agency shall request from the Kansas department for aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates to a person who works for the home health agency or is being considered for employment by the home health agency, for the purpose of determining whether such person is subject to the provisions of this section. For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two-week period. For the purpose of complying with this section, the operator of a home health agency shall receive from any employment agency which provides employees to work for the home health agency written certification that such employees are not prohibited from working for the home health agency under this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, a person who operates a home health agency may hire an applicant for provisional employment on a conditional one-time basis of 60 calendar days pending the results from the Kansas department for aging and disability services of a request for information under this subsection. A provisional employee may only be supervised by an employee who has completed all training required by federal regulations, rules and regulations of the department and the home health agency's policies and procedures. No home health agency, the operator or employees of a home health agency or an employment agency, ~~or the operator or employees of an employment agency, which provides employees to work for the home health agency or an independent contractor~~ shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such home health agency's compliance with the provisions of this section if such home health agency or employment agency acts in good faith to comply with this section.

~~(e)~~ The secretary for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed \$10, for each name about which an information request has been submitted under this section.

~~(f)-(t)~~ The secretary for aging and disability services shall provide each operator requesting information under this section with the criminal history record information concerning a pass or fail determination after review of any criminal history information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation. ~~The criminal history~~

record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).

~~(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary for aging and disability services shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau of investigation that further confirmation is required. The secretary for aging and disability services shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.~~

~~(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary for aging and disability services shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.~~

~~(4) The secretary for aging and disability services shall not provide each operator requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2017 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto.~~

~~(5) An operator who receives criminal history record information under this subsection (f) shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph shall be an unclassified misdemeanor punishable by a fine of \$100.~~

~~(g) No person who works for a home health agency and who is currently licensed or registered by an agency of this state to provide professional services in this state and who provides such services as part of the work which such person performs for the home health agency shall be subject to the provisions of this section.~~

~~(h)(g) A person who volunteers to assist a home health agency shall not be subject to the provisions of this section because of such volunteer activity unless the volunteer performs functions equivalent to functions performed by direct access employees.~~

~~(i) An operator may request from the department of health and environment criminal history information on persons employed under subsections (g) and (h).~~

~~(j)(h) No person who has been continuously employed by the same home health~~

agency since July 1, 1992, shall be subject to the requirements of this section while employed by such home health agency.

~~(k)(i) The operator of a home health agency shall not be required under this section to conduct a background criminal history record check on an applicant for employment with the home health agency if the applicant has been the subject of a background criminal history record check under this act within one year prior to the application for employment with the home health agency. The operator of a home health agency where the applicant was the subject of such background check may release a copy of such background check to the operator of a home health agency where the applicant is currently applying.~~

~~(l) For purposes of this section, the Kansas bureau of investigation shall only report felony convictions, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, to the secretary for aging and disability services when a background check is requested.~~

~~(j) No person who is in the custody of the secretary of corrections and who provides services, under direct supervision in non-patient areas, on the grounds or other areas designated by the superintendent of the Kansas soldiers' home or the Kansas veterans' home shall be subject to the provisions of this section while providing such services.~~

~~(k) (1) All fees charged by the secretary for criminal history record checks conducted pursuant to this section shall be established by rules and regulations of the secretary.~~

~~(2) All moneys collected and remitted to the department for fees charged for criminal history record checks conducted pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 65-5113, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state licensure fee fund created by K.S.A. 39-930, and amendments thereto.~~

~~(l) The department may implement the amendments made to this section by this act in phases for different categories of employers. The department shall adopt rules and regulations establishing dates and procedures for the implementation of the criminal history record checks required by this section, and such dates may be staggered to facilitate implementation of the criminal history record checks required by this section.~~

~~(m) This section shall be part of and supplemental to the provisions of article 51 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

Sec. 5. K.S.A. 2017 Supp. 75-4362 is hereby amended to read as follows: 75-4362.

(a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

- (1) The office of governor, lieutenant governor or attorney general;
- (2) members of the Kansas senate or house of representatives;
- (3) any safety sensitive position;
- (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto; ~~or~~
- (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; ~~or~~
- (7) ~~any employee of a state veteran's home operated by the director of the Kansas commission on veterans affairs office as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.~~

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

- (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

- (g) "Safety sensitive positions" means the following:
- (1) All state law enforcement officers who are authorized to carry firearms;
 - (2) all state corrections officers;
 - (3) all state parole officers;
 - (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
 - (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2017 Supp. 21-5914, and amendments thereto;
 - (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2017 Supp. 38-2302, and amendments thereto;
 - (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or rehabilitative services to the clients and patients of those institutions; ~~and~~

(8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment; and
 (9) all employees of the Kansas commission on veterans affairs office.";

Also on page 2, in line 35, by striking "is" and inserting "and K.S.A. 2017 Supp. 39-970, 39-2009, 65-5117 and 75-4362 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "labor" by inserting "and employment"; in line 3, after the semicolon by inserting "Kansas commission on veterans affairs office; drug screening programs; Kansas department for aging and disability services regarding certain providers and facilities; providing for licensure, employment and background checks of employees;"; also in line 3, after "and" by inserting "K.S.A. 2017 Supp. 39-970, 39-2009, 65-5117 and 75-4362 and"; in line 4, by striking "section" and inserting "sections";

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

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

DAVE BARKER

RON HIGHLAND

LOIS RUIZ

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **S Sub S Sub HB 2386**.

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 Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2476** 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 14 through 33;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 36; following line 36, by inserting:

"Section 1. K.S.A. 2017 Supp. 45-230 is hereby amended to read as follows: 45-230. (a) No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and

addresses contained in or derived from public records except:

(1) Lists of names and addresses from public records of the division of vehicles obtained under K.S.A. 74-2012, and amendments thereto;

(2) lists of names and addresses of persons licensed, registered or issued certificates or permits to practice a profession or vocation may be sold or given to, and received by, an organization of persons who practice that profession or vocation for membership, informational or other purposes related to the practice of the profession or vocation;

(3) lists of names and addresses of persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or given to, and received by, organizations providing professional or vocational educational materials or courses to such persons for the sole purpose of providing such persons with information relating to the availability of such materials or courses;

(4) lists of names, addresses and other information from voter registration lists may be compiled, used, given, received, sold or purchased by any person, as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, solely for political campaign or election purposes;

(5) lists of names and addresses from the public records of postsecondary institutions as defined in K.S.A. 74-3201b, and amendments thereto, may be given to, and received and disseminated by such institution's separately incorporated affiliates and supporting organizations, which qualify under section 501(c)(3) of the federal internal revenue code of 1986, for use in the furtherance of the purposes and programs of such institutions and such affiliates and supporting organizations; ~~and~~

(6) lists of names and addresses from public records of the secretary of state obtained under K.S.A. 2017 Supp. 84-9-523, and amendments thereto; and

(7) to the extent otherwise authorized by law.

(b) Any person subject to this section who knowingly violates the provisions of this section shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney in a sum set by the court not to exceed \$500 for each violation.

(c) The provisions of this section shall not apply to nor impose any civil liability or penalty upon any public official, public agency or records custodian for granting access to or providing copies of public records or information containing names and addresses, in good faith compliance with the Kansas open records act, to a person who has made a written request for access to such information and has executed a written certification pursuant to ~~subsection (e)(2) of K.S.A. 45-220(c)(2), and amendments thereto.~~

(d) This section shall be a part of and supplemental to the Kansas open records act.

Sec. 2. K.S.A. 2017 Supp. 45-230 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 through 10; in line 11, by striking all before the period and inserting "public records; relating to the unlawful use of names derived from public records, exceptions; amending K.S.A. 2017 Supp. 45-230 and repealing the existing section";

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

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER
 RON HIGHLAND
 LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2476**.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, 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.

Nays: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2482** 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 7 through 36;

By striking all on pages 2 through 9;

On page 10, by striking all in lines 1 through 21;

Also, on page 10, following line 21, by inserting:

"New Section 1. The purpose of K.S.A. 2017 Supp. 75-3740e and 75-3740f, and amendments thereto, is to declare that Israel is a prominent trading partner of the state of Kansas and that the state, and those companies that do business by and through the state, in the interest of the state's economic policy, should not boycott trade with Israel. Companies that refuse to deal with United States trade partners such as Israel make discriminatory decisions on the basis of national origin that impair those companies' commercial soundness. Israel is known for its dynamic and innovative approach in many business sectors, and a company's decision to discriminate against persons or entities doing business in Israel or in territories controlled by Israel is an unsound business practice making the company an unduly risky contracting partner. It is also the public policy of the United States, as enshrined in several federal acts, including 50 U.S.C. § 4607, to oppose such boycotts, and congress has concluded as a matter of national trade policy that cooperation with Israel materially benefits United States companies and improves American competitiveness.

Sec. 2. K.S.A. 2017 Supp. 75-3740e is hereby amended to read as follows: 75-3740e. As used in K.S.A. 2017 Supp. 75-3740e and 75-3740f, and amendments thereto:

(a) "Boycott" means engaging in a refusal to deal, terminating business activities or performing other actions that are intended to limit commercial relations with persons or entities doing business in Israel or in territories controlled by Israel, if those actions are taken either:

(1) In compliance with or adherence to calls for a boycott of Israel other than those boycotts to which 50 U.S.C. § 4607(c) applies; or

(2) in a manner that discriminates on the basis of nationality, national origin or religion, and that is not based on a valid business reason;

(b) "company" means ~~a sole proprietorship,~~ an organization, association, corporation, partnership, venture or other entity, its subsidiary or affiliate, that exists for profitmaking purposes or to otherwise secure economic advantage; ~~and~~

(c) "contract" means a written agreement between the state and a company to acquire or dispose of goods or services with an aggregate price of more than \$100,000. "Contract" does not mean a written agreement between the state and an individual to acquire or dispose of goods or services, including employment or consultant services; and

(d) "state" means this state or an agency, board, commission or department of this state.

Sec. 3. K.S.A. 2017 Supp. 75-3740f is hereby amended to read as follows: 75-3740f. (a) Except as provided in subsection (c), the state shall not enter into a contract with ~~an individual or a~~ company to acquire or dispose of services, supplies, information technology or construction, unless such ~~individual or~~ company submits a written certification that such ~~individual or~~ company is not currently engaged in a boycott of goods or services from Israel that constitutes an integral part of business conducted or sought to be conducted with the state.

(b) The state may not adopt a procurement, investment or other policy that has the effect of inducing or requiring a person to boycott the government of Israel or its instrumentalities, or to boycott a person doing business in Israel or territories under its jurisdiction, when such boycott is on the basis of such person's location in such places.

(c) The secretary of administration will approve contracts, or may waive application of this section on any contract with any state agency if the secretary determines that compliance is not practicable.";

Also on page 10, in line 22, by striking all after "Supp."; in line 23, by striking "41-2640" and inserting "75-3740e and 75-3740f";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking "consumption" and inserting "state contracts; relating to application of contract requirements regarding anti-Israel boycotts"; also in line 3, by striking all after "Supp."; also in line 4, by striking all before the second "and" and inserting "75-3740e and 75-3740f";

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

JOHN BARKER
 RON HIGHLAND
 LOUIS RUIZ
Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2482**.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, 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.

Nays: Francisco.

Present and Passing: Doll, Haley, Hawk.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2542** 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 3, following line 38, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 75-3718b is hereby amended to read as follows: 75-3718b. (a) On or before January 14, 2019, the secretary of administration, in consultation with the division of the budget, the office of revisor of statutes and the Kansas legislative research department, shall implement a budget process that accomplishes the following objectives:

(1) A program service inventory, to be complete on or before January 9, 2017. Such inventory shall include, but not be limited to, the following:

(A) Identification of agency programs and subprograms by objective, function and purpose;

(B) the state or federal statutory citation authorizing those programs, if any;

(C) identification of programs that are mandatory versus discretionary;

(D) a history of the programs, including interaction with other agency programs and objectives;

(E) state matching or other federal financial requirements;

(F) prioritization of the level of all programs and subprograms; and

(G) the consequence of not funding the program or subprogram.

(2) An integrated budget fiscal process, to be complete on or before January 6, 2018. Such process shall institute common accounting procedures consistent with budget development, budget approval, budget submission, through actual expenditures by fund.

(3) A performance based budgeting system, to be completed on or before January 14, 2019. Such budgeting system shall include, but not be limited to, the following:

(A) Incorporation of various outcome based performance measures, for state programs; and

(B) enhancement of the capability to compare program effectiveness across multiple state and political boundaries.

(b) The provisions of this section shall not apply to postsecondary educational institutions that have implemented the performance agreement pursuant to K.S.A. 74-

3202d, and amendments thereto.;

Also on page 3, in line 39, by striking "is" and inserting "and 75-3718b are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "postsecondary educational institutions; relating to"; in line 2, by striking all after "act"; in line 3, by striking "date" and inserting "fee schedule; exempting certain postsecondary educational institutions from performance-based budgeting"; also in line 3, after "74-32,181" by inserting "and 75-3718b"; in line 4, by striking "section" and inserting "sections";

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

MOLLY BAUMGARDNER

LARRY ALLEY

PAT PETTEY

Conferees on part of Senate

CLAY AURAND

DIANA DIERKS

VALDENIA WINN

Conferees on part of House

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2542**.

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 Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2556** submits the following report:

The Senate recedes from all of its amendments to the bill.

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

CAROLYN MCGINN

RICK BILLINGER

TOM HAWK

Conferees on part of Senate

TOM SLOAN

GREG LEWIS

PAM CURTIS

Conferees on part of House

Senator Billinger moved the Senate adopt the Conference Committee Report on **Sub HB 2556**.

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

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

Nays: Hilderbrand, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2583** 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 3, in line 13, by striking "three" and inserting "four"; also in line 13, by striking all after "be"; in line 14, by striking all before "one" and inserting "private landowners involved in agricultural production, one of whom shall be a Kansas producer who grows traditional Kansas crops, which, for the purposes of this paragraph, means wheat, corn, soybeans, milo, peanuts, cotton, hay or oats, one of whom shall be a Kansas producer who grows non-traditional Kansas crops, and"; in line 15, by striking "farmer" and inserting "producer"; by striking all in lines 22 through 25;

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

On page 8, in line 43, by striking "shall";

On page 9, in line 1, by striking all after "the"; in line 2, by striking all before the period and inserting "registry or registries identified by the secretary to provide location information about organic, sensitive or specialty crops";

On page 11, in line 27, by striking "within 15 days"; also in line 27, after "timeline" by inserting "within such 15 days' notice";

On page 13, in line 41, before "at" by inserting "who have been assessed a tax by the county";

On page 14, in line 10, before the period by inserting "in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in purchasing, storing and handling such chemical materials used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in their jurisdiction an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds";

Also on page 14, in line 26, after the stricken material by inserting "The board of

county commissioners of a county that funds its noxious weed program from the county general fund shall sell chemical materials to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in purchasing, storing and handling such chemical materials used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and the operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in its jurisdiction an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds.

(d) ";

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

On page 15, in line 10, by striking "knowingly";

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

DAN KERSCHEN

BUD ESTES

MARCI FRANCISCO

Conferees on part of Senate

KYLE HOFFMAN

KENT THOMPSON

SYDNEY CARLIN

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2583**.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hilderbrand, Masterson, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2600** 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 as Senate Substitute for House Bill No. 2600, as follows:

On page 10, following line 38, by inserting:

"New Sec. 3. (a) There is hereby created the palliative care and quality of life

interdisciplinary advisory council within the department of health and environment. The purpose of this council is to develop recommendations and advise the department of health and environment on matters related to the establishment, maintenance, operation, outcomes evaluation of palliative care initiatives in the state, and effectiveness of the palliative care consumer and professional information and education program.

(b) (1) The palliative care and quality of life interdisciplinary advisory council shall consist of 13 members appointed on or before October 1, 2018. The members shall be appointed as follows: (A) Two members appointed by the governor; (B) two members appointed by the speaker of the house of representatives; (C) one member appointed by the minority leader of the house of representatives; (D) two members appointed by the president of the senate; (E) one member appointed by the minority leader of the senate; (F) one member appointed by the secretary of health and environment who shall represent the department of health and environment; (G) one member appointed by the secretary for aging and disability services who shall represent the department for aging and disability services; (H) one member of the house committee on health and human services appointed by the chair of the house committee on health and human services; (I) one member appointed by the majority leader of the house of representatives; and (J) one member of the senate committee on public health and welfare appointed by the chair of the senate committee on public health and welfare.

(2) Members of the palliative care and quality of life interdisciplinary advisory council shall be individuals with experience and expertise in interdisciplinary palliative care medical, nursing, social work, pharmacy and spiritual guidance. Membership shall specifically include health care professionals having palliative care work experience or expertise in palliative care delivery models in a variety of inpatient, outpatient and community settings and with a variety of populations including pediatric, youth and adults. At least two members of the palliative care and quality of life interdisciplinary advisory council shall be board-certified hospice and palliative medicine physicians or nurses, and at least one member shall be a patient or a caregiver.

(3) Members of the palliative care and quality of life interdisciplinary advisory council shall serve for a period of three years and shall serve at the pleasure of their respective appointing authorities. The members shall elect a chair and vice chair whose duties shall be established by the council. The department of health and environment shall fix a time and place for regular meetings of the council, which shall meet at least twice annually.

(4) Members of the palliative care and quality of life interdisciplinary advisory council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(c) "Palliative care" means an approach that improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial and spiritual. Palliative care:

- (1) Provides relief from pain and other distressing symptoms;
- (2) affirms life and regards dying as a normal process;
- (3) intends neither to hasten or postpone death;
- (4) integrates the psychological and spiritual aspects of patient care;
- (5) offers a support system to help patients live as actively as possible until death;

(6) offers a support system to help the family cope during the patient's illness and in their own bereavement;

(7) uses a team approach to address the needs of patients and their families, including bereavement counseling, if indicated;

(8) will enhance quality of life, and may also positively influence the course of illness; and

(9) is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy, and includes those investigations needed to better understand and manage distressing clinical complications.

New Sec. 4. (a) There is hereby created the state palliative care consumer and professional information and education program in the department of health and environment. The purpose of the state palliative care consumer and professional information and education program is to maximize the effectiveness of palliative care initiatives in the state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers and health care facilities.

(b) The department of health and environment:

(1) Shall publish information and resources on its website, including links to external resources, about palliative care for the public, health care providers and health care facilities. The information shall include, but not be limited to, the following:

(A) Continuing education opportunities for health care providers;

(B) information about palliative care delivery in home, primary, secondary and tertiary environments; and

(C) consumer educational materials and referral information for palliative care, including hospice;

(2) may develop and implement any other initiatives regarding palliative care services and education that it determines would further the purposes of this section; and

(3) shall consult with the palliative care and quality of life interdisciplinary advisory council.

(c) "Palliative care" shall have the meaning ascribed to it in section 3, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the second semicolon by inserting "establishing the palliative care and quality of life interdisciplinary advisory council and the palliative care consumer and professional information and education program;"

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

VICKI SCHMIDT
BARBARA BOLLIER
LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS
SUSAN CONCANNON
MONICA MURNAN

Conferees on part of House

SENATOR V. SCHMIDT MOVED TO ADOPT THE CONFERENCE COMMITTEE REPORT ON HB 2600.

Senator Pilcher-Cook made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed.

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

On roll call, the vote was: Yeas 17; Nays 23; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Denning, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

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

The motion failed.

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub for HB 2600**.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

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

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

Present and Passing: Billinger.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2602** 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 6, by striking "and other reading comprehension impairments"; in line 9, by striking all after "dyslexia"; in line 10, by striking all before the period; in line 11, by striking "November 1, 2018" and inserting "January 2, 2019"; in line 12, by striking "December"; in line 13, by striking all before the period and inserting "January 30, 2019"; in line 16, by striking "reading comprehension impairments and"; in line 20, by striking all before "like" and inserting "difficulties"; in line 21, by striking "and other reading comprehension impairments"; in line 27, by striking all after "dyslexia"; in line 28, by striking "impairments"; in line 32, by striking all before the comma and inserting "difficulties";

On page 2, in line 2, by striking "17" and inserting "16"; in line 32, after "senate" by inserting "and one elementary school classroom teacher shall be"; also in line 32, after "appointed" by inserting "jointly"; also in line 32, after "chairperson" by inserting "and the ranking minority member"; in line 34, after "representatives" by inserting "and one elementary school classroom teacher shall be"; also in line 34, after "appointed" by inserting "jointly"; in line 35, after "chairperson" by inserting "and the ranking minority member"; in line 42, by striking "two members" and inserting "one member"; also in

line 42, by striking "principals" and inserting "a principal";

On page 3, in line 5, after "branch" by inserting ", and such appointments shall be made with an effort to provide statewide representation, if possible"; in line 12, by striking all after "(10)"; by striking all in lines 13 through 15; in line 16, by striking "(12)"; in line 19, after "member" by inserting ", identified as a nonprofit service provider for children diagnosed with dyslexia,."; also in line 19, by striking all after "the"; in line 20, by striking all before the semicolon and inserting "chairperson of the task force"; in line 25, by striking "and"; in line 29, after "education" by inserting "; and (C) one member shall be appointed by the disability rights center of Kansas";

On page 4, in line 8, by striking "and other reading comprehension impairments";

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

On page 1, in the title, in line 2, by striking "and other reading comprehension impairments";

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

MOLLY BAUMGARDNER

LARRY ALLEY

PAT PETTEY

Conferees on part of Senate

CLAY AURAND

BRENDA DIETRICH

VALDENIA WINN

Conferees on part of House

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **Sub HB 2602**.

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 Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2701** 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, in line 7, by striking "19" and inserting "17"; in line 9, by striking all after "(1)"; by striking all in lines 10 through 17; in line 18, by striking "senate" and inserting "The chairperson, vice-chairperson and ranking minority member of the house standing committee on energy, utilities and telecommunications;

(2) the chairperson, vice-chairperson and ranking minority member of the senate

standing committee on utilities";

Also on page 1, by striking all in lines 35 and 36;

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

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

ROB OLSON

MIKE PETERSEN

TOM HAWK

Conferees on part of Senate

JOE SEIWERT

RANDY GARBER

ANNIE KUETHER

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **S Sub HB 2701**.

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 Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until 1:00 p.m.

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

AFTERNOON SESSION

COMMITTEE OF THE WHOLE

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

The committee report on **HB 2228** recommending **S Sub HB 2228** be adopted.

Senator Holland made a motion to divide the question into six parts.

Motion to divide the question Part 1 was retained.

Motion to divide the question Part 2 was retained.

Motion to divide the question Part 3 was retained.

Motion to divide the question Part 4 was retained.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: Pyle.

Motion to divide the question Part 5 was retained.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Bollier, Doll, Faust-Goudeau, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Francisco.

Motion to divide the question Part 6 was retained.

Senator Hardy offered the following amendment on **S Sub HB 2228**. A ruling of the chair was requested as to the germaneness of the amendment. The chair of the Rules Committee ruled the amendment was germane to the bill.

S Sub HB 2228 be amended by motion of Senator Hardy; on page 17, following line 32, by inserting:

"New Sec. 6. (a) For all taxable years commencing after December 31, 2017, there shall be allowed a credit against the tax imposed by the Kansas income tax act in an amount equal to 50% of the total amount contributed during the taxable year by the taxpayer to the Eisenhower foundation.

(b) The amount of such credit awarded to a taxpayer in a taxable year pursuant to this section shall not exceed:

(1) \$25,000 for any taxpayer subject to the income tax on resident individuals imposed pursuant to K.S.A. 79-32,110(a), and amendments thereto; or

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto.

(c) The aggregate amount of credits claimed pursuant to this section shall not exceed \$350,000 for any fiscal year.

(d) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the contributions are made by the taxpayer. The taxpayer shall not be allowed to carry over any amount of such credit exceeding the taxpayer's income tax liability.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "credits, Eisenhower foundation donations;"

S Sub HB 2228 be further amended by motion of Senator Petersen; on page 17, following line 32, by inserting:

"New Sec. 6. (a) For tax years 2018 through 2022, a credit shall be allowed against the tax imposed by the Kansas income tax act in an amount equal to 15% of the amount for expenditures of goods and services purchased by the taxpayer from a qualified

vendor on and after January 1, 2018, and before January 1, 2023, as certified by the secretary of commerce as provided in subsection (c). The amount of such credit awarded for each taxpayer shall not exceed \$500,000 per qualified vendor per tax year. In no event shall the total amount of cumulative credits allowed under this section exceed \$5,000,000 for all tax years that the credit remains in effect.

(b) The tax credit allowed by this section shall be deducted from the taxpayer's income tax liability for the tax year in which the expenditures were made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such tax year, the taxpayer may carry over the amount that exceeds such tax liability for deduction from the taxpayer's liability in the next succeeding tax year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth tax year succeeding the tax year in which the expenditures were incurred.

(c) The secretary of commerce shall annually certify that expenditures for goods and services purchased by a taxpayer subject to the tax credit provided in this section were made from a qualified vendor, and provide such certification to the secretary of revenue. The secretary of commerce is hereby authorized to promulgate rules and regulations for establishing criteria based on the provisions of K.S.A. 75-3317 et seq., and amendments thereto, for evaluating whether purchases by taxpayers from a qualified vendor should be certified as provided in this section, with the assistance and approval of the secretary of revenue.

(d) As used in this section:

(1) "Certified business" means any business certified by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least 30% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts; and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under 29 U.S.C. § 214(c);

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which administers the rehabilitation services program as having a physical or mental impairment which constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (d)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and

exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

(iii) is an individual with a disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families; and

(3) "qualified vendor" means an entity that:

(A) Is a "qualified vendor" pursuant to K.S.A. 75-3317, and amendments thereto, or is a "certified business" that is also a nonprofit organization pursuant to K.S.A. 75-3740, and amendments thereto;

(B) pays minimum wage or above to all their employees in a manner that meets the definition of "competitive employment" pursuant to K.S.A. 44-1136, and amendments thereto;

(C) meets the definition of employing all of their workers in an "integrated setting" pursuant to K.S.A. 44-1136, and amendments thereto; and

(D) offers a qualified company-sponsored insurance plan under the affordable care act or pays the required subsidy to the internal revenue service for employees who purchase insurance through the open market, if a company-sponsored plan is not offered. If any such company is not covered under the affordable care act, and does not offer a company-sponsored insurance plan, such company must offer assistance to the employee to cover at least 75% of their health insurance costs through a health savings account or other legal and appropriate methodology.

(e) The secretary of revenue shall report to the house committee on taxation and the senate committee on assessment and taxation on or before February 1, 2020, 2021 and 2022 concerning the implementation and effectiveness of the credit provided in this section.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "credits, certain purchases of goods and services for qualified vendors that provide employment to individuals who are blind or severely disabled, qualifications, procedures and limitations;"

A motion by Senator Pyle to amend **S Sub HB 2228** failed and the following amendment was rejected; on page 10, in line 18, by striking "2017" and inserting "2016"; in line 22, by striking "2018" and inserting "2017"

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

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Billinger.

A motion by Senator Pyle to amend **S Sub HB 2228** failed and the following amendment was rejected; on page 10, in line 25, by striking "\$3,750" and inserting "\$4,000"; in line 26, by striking "\$9,375" and inserting "\$10,000"; also in line 26, by striking "\$6,875" and inserting "\$7,000"

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

On roll call, the vote was: Yeas 18; Nays 21; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Estes, Faust-Goudeau, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wilborn.

Nays: Berger, Bollier, Denning, Doll, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Present and Passing: Kelly.

An amendment offered by Senator Hilderbrand was ruled not germane.

An amendment offered by Senator Tyson was ruled not germane.

An amendment offered by Senator Alley failed.

Senator Alley motioned to further amend **S Sub HB 2228**. (see evening session, Committee of the Whole.)

Vice President Longbine moved that the committee rise and report progress.

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

On roll call, the vote was: Yeas 22; Nays 14; Present and Passing 4; Absent or Not Voting 0.

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

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

Present and Passing: Denning, Francisco, Wagle, Wilborn.

President Wagle assumed the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub for SB 56**.

Announcing passage of **Sub SB 423**, as amended.

The House adopts the Conference Committee report on **SB 335**.

The House adopts the Conference Committee report on **HB 2482**.

The House adopts the Conference Committee report on **S Sub for HB 2600**.

The House adopts the Conference Committee report on **Sub HB 2602**.

The House adopts the Conference Committee report on **S Sub HB 2701**.

The House not adopts the conference committee report on **S Sub HB 2028**, requests a conference and appoints Representatives Hawkins, Concannon and Murnan as second conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2380**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2380," as follows:

"Senate Substitute for HOUSE BILL NO. 2380

By Committee on Assessment and Taxation

"AN ACT concerning taxation; establishing the property tax review study commission; providing for membership and duties."; and the substitute bill be passed.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. **SCR 1614**—

By Senators Wagle and Denning

A CONCURRENT RESOLUTION relating to the
2018 regular session of the legislature; extending such session
beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the 2018 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 7, 2018, and shall reconvene at 10:00 a.m. on April 26, 2018; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 26, 2018, to May 4, 2018, but the legislature shall reconvene at 10:00 a.m. on May 4, 2018, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on May 4, 2018; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. **SCR 1615**—

By Senators Wagle and Denning

A CONCURRENT RESOLUTION relating to the 2018 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the 2018 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 8, 2018, and shall reconvene at 10:00 a.m. on April 26, 2018; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 26, 2018, to May 4, 2018, but the legislature shall reconvene at 10:00 a.m. on May 4, 2018, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on May 4, 2018; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Denning **SCR 1615** was adopted by voice vote.

On motion of Senator Denning the Senate recessed to 8:45 p.m.

 EVENING SESSION

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

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson the report for the afternoon and evening sessions were adopted.

S Sub HB 2228 be further amended by motion of Senator Alley; on page 17, following line 32, by inserting:

"Sec. 6. K.S.A. 2017 Supp. 79-32,267 is hereby amended to read as follows: 79-32,267. (a) For taxable years commencing after December 31, 2011, and before January 1, 2022, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to the resident individual's income tax liability under the provisions of the Kansas income tax act, when the resident individual:

(1) Establishes domicile in: (A) A rural opportunity zone; or (B) Cowley or Crawford county on or after July 1, 2011, and prior to January 1, 2021 and was domiciled outside this state for five or more years immediately prior to establishing their domicile in: (A) A rural opportunity zone in this state; or (B) Cowley or Crawford county;

(2) had Kansas source income less than \$10,000 in any one year for five or more years immediately prior to establishing their domicile in: (A) A rural opportunity zone in this state; or (B) Cowley or Crawford county; and

(3) was domiciled in: (A) A rural opportunity zone; or (B) Cowley or Crawford county during the entire taxable year for which such credit is claimed.

(b) A resident individual may claim the credit authorized by this section for not more than five consecutive years following establishment of their domicile in: (1) A rural opportunity zone; or (2) Cowley or Crawford county.

(c) The maximum amount of any refund under this section shall be equal to the amount withheld from the resident individual's wages or payments other than wages pursuant to K.S.A. 79-3294 et seq., and amendments thereto, or paid by the resident individual as estimated taxes pursuant to K.S.A. 79-32,101 et seq., and amendments thereto.

(d) No credit shall be allowed under this section if:

(1) The resident individual's income tax return on which the credit is claimed is not timely filed, including any extension; or

(2) the resident individual is delinquent in filing any return with, or paying any tax due to, the state of Kansas or any political subdivision thereof.

(e) This section shall be part of and supplemental to the Kansas income tax act.";

Also on page 17, in line 34, by striking "and" and inserting a comma; also in line 34, after "79-32,143a" by inserting "and 79-32,267";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "credits, residents of Cowley and Crawford counties;"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "79-32,143a" by inserting "and 79-32,267"; and **S Sub HB 2228** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and S Sub **HB 2228** was advanced to Final Action and roll call.

S Sub HB 2228, AN ACT concerning income taxation; relating to deductions, Kansas itemized deduction and standard deduction, expensing deduction; treatment of deferred foreign corporate income and global intangible low-taxed income; credits, Eisenhower foundation donations; credits, certain purchases of goods and services for qualified vendors that provide employment to individuals who are blind or severely disabled, qualifications, procedures and limitations; credits, residents of Cowley and Crawford counties; amending K.S.A. 2017 Supp. 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143a and 79-32,267 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote Aye. Last year I said on this floor that because of an improving economy and increasing revenues we had no reason to pass that historically high and I believe immoral retroactive tax increase that was brought before us without going through the normal committee process. Instead, a conference committee of only six people, leaders of the House and Senate Tax Committees, introduced it and returned it to us multiple times until it passed. This bill attempts to repair some of the damage shamefully done last year. But, I fear we will soon be increasing taxes again, either openly or as we did last year. —STEVE FITZGERALD

Mr. Vice President: I vote “NO” on **S Sub HB 2228**. Both the House and Senate Committees on Taxation received information from the Department of Revenue in an *Estimated Kansas Impact of the Federal Tax Cuts and Jobs Act* report February 14th; the numbers indicated that there could be a total of \$137.8 million more in revenue to the state in FY2019. The most significant impact, estimated at \$90.3 million more in FY 2019, is a result of the increase in the federal standard deduction that likely means that fewer Kansas residents would be itemizing deductions on their state forms. Since this bill eliminates the restriction on allowing Kansans to itemize on their state form if they have taken the federal standard deduction, that \$90.3 million would not return to the state. The second major impact is a result of changes on taxation of foreign derived income; although estimated as positive, the Department of Revenue cannot say how much would come or when, so another \$77.7 million may not be realized in FY2019. With these subtracted from the estimates, the impact on Kansas is a negative \$30.2 million. There is no additional money to simply be returned.—MARC FRANCISCO

Mr. Vice President: I vote “NO” on **Senate Substitute for House Bill 2228**. This bill is ill-advised and misguided in as much as it is reducing general fund revenue \$494 million over the next five years, which is a reduction in revenue far more than the \$275 million funding over five years that Republican Senators had in their school finance

plan. The reality is Senate Republicans are making tax cuts a higher priority than funding schools at an adequate level. We should be putting the children of Kansas first as opposed to cutting taxes. The other problem I have with this bill is that we've never seen a general fund profile as we did on both the House and Senate school finance plans. If we're going to pass a bill of this magnitude, we should at least know how it impacts the bottom line in our state general fund. It is for these reasons that I vote NO.

—ANTHONY HENSLEY

Senators Bollier, Doll, Faust-Goudeau, Holland, Kelly, Pettey, Rogers and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub HB 2228**.

Mr. Vice President: I vote "no" on **S Sub for HB 2228**. During the debate on the floor, it was clear that we do not have a concrete idea of how much revenue the Federal Tax Cuts and Jobs Act of 2017 will generate for the people, the businesses, and the state of Kansas. I support the effort to continue to allow all Kansans who currently itemize to continue to do so. It would appear that protecting Kansas taxpayers who itemize is the only part of this bill that is needed to prevent adverse effects to Kansas taxpayers due to last year's Federal tax law. I also support allowing deduction for expenses that was excluded from last year's tax bill. Until we have a more concrete fiscal note on the true impact of the Federal tax law on state tax revenues, it is irresponsible to pass **S Sub for HB 2228** in its entirety.

—CAROLYN MCGINN

Senators Bollier, Kelly, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **S Sub HB 2228**.

Mr. Vice President: I vote no on **Senate Substitute HB 2228**. We are getting the cart before the horse. I strongly support many of the provisions in this bill. However, it is day 82 of the session and we have yet to finalize a school finance bill or a budget. I think there is wisdom in finalizing our work on both of those matters and getting the April consensus revenue estimates before we address this bill as a whole.—VICKI SCHMIDT

Senators Doll, Holland, Kelly, Pettey, Skubal, Sykes and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator V. Schmidt on **S Sub HB 2228**.

Mr. Vice President: This tax bill keeps the money with the people who earned it. In 2015 the legislature passed, what was the largest tax increase at the time. I stood against and voted against that legislation. Last year, the legislature passed the largest tax increase in Kansas history. I spoke against and voted against that massive tax increase. Today – again, I stand strong for the Kansas taxpayer. We must pass this bill to keep the federal tax cuts of 2017 in the hands of the taxpayer.—CARYN TYSON

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: **Sub SB 423**; **HB 2042**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator McGinn moved the Senate concur in House amendments to **Sub SB 423**.

A substitute motion by Senator Masterson to nonconcur and appoint a conference was rejected.

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

On roll call, the vote was: Yeas 17; Nays 21; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bollier, Denning, Estes, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pyle, Tyson, Wagle, Wilborn.

Nays: Berger, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Pilcher-Cook, Suellentrop.

Citing Rule 29, Senator Hensley moved to call the question. The motion was adopted.

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

On roll call, the vote was: Yeas 21; Nays 16; Present and Passing 1; Absent or Not Voting 2.

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

Nays: Alley, Baumgardner, Billinger, Denning, Estes, Fitzgerald, Francisco, Kerschen, Lynn, Masterson, Olson, Petersen, Pyle, Tyson, Wagle, Wilborn.

Present and Passing: Hilderbrand.

Absent or Not Voting: Pilcher-Cook, Suellentrop.

Sub SB 423, AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education; amending K.S.A. 2017 Supp. 72-5132, 72-5133, 72-5143, 72-5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5155, 72-5170, 72-5171, 72-5173, 72-53,113, 72-53,116 and 72-5461 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 72-1171, 72-5144, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Alley, Baumgardner, Billinger, Bollier, Denning, Estes, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

The Senate concurred.

Mr. Vice President: I vote "NO" on the resolution to Concur with **SB 423**. I grew up in a home with a father who started one of the first free-standing surgery centers in the United States. The entire city was opposed to this idea. Because hospitals were essentially synonymous with the church, those from the pulpit were preaching against him and his idea. Many tears were shed in our home from the stress; people struggle with change and resist it nearly universally. But my father persisted because he believed it was the right thing to do. Today, surgicenters are everywhere. He was right to stand by his principles. Now I must do the right thing. I have always been a pro-education legislator and continue to be so. I am confident that the Supreme Court will ensure that the money needed for adequacy is in place but am not sure they will comment on the policy. The Senate bill has well researched data-based policy. The bill before us does not. It essentially continues the same school funding formula that District 7 has asked to be changed for over 30 years. I must stand with what I believe is best for the education of our children and vote NO.—BARBARA BOLLIER

Mr. Vice President: Tonight the People's House is full of teachers. They are hardworking, good people. We have maligned them repeatedly. We chose to cut funding to schools beginning in 2009. Students that began school at that time are now in high school. The WestEd study made it clear that academic achievement is directly connected to funding. The study also stressed our schools were in the 96% efficiency range. Teachers are doing their job and doing it well. The choices made in this room have crippled the education of our students and the livelihood of our teachers. Our decisions and our conversation should be about student success and the financial resources we need, rather than political posturing. Poor financial decisions by this body, made during a financial depression and made worse by an irresponsible tax policy, are responsible for lost opportunity. This body is responsible for making that wrong right. Tonight's bill is better than the original Senate bill. However, once adjusted for CPI, it still allocates less than we need. I'm afraid it still won't pass constitutional muster. I voted for the Senate Democratic school finance plan. Our plan when added to what was added in SB 19 comes to \$893 million which matches the SBOE recommendation. My community knows where I stand. I vote yes because it's time to let the Supreme Court weigh in.—LYNN ROGERS

Senators Francisco, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **Sub SB 423**.

President Wagle assumed the chair.

On motion of Senator Denning the Senate recessed to the sound of the gavel.

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

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of March 26-29 and April 2-7, 2018:

Senator Berger: recognizing the outstanding work of the Kansas Mennonite Relief Sale and celebrating its 50th Anniversary, recognizing Eva Van Hooser for her work as an Ambassador of International Exploration;

Senator Billinger: congratulating Almena-Northern Valley HS Girl Volleyball on winning the 2017 Class 1A Division II State Championship;

Senator Bowers: congratulating Jeff Schell on being named the 2018 Contractor of the Year, celebrating Paul and Zola Irwin's 70th Wedding Anniversary, congratulating Pam Dunstan on 30 years as a beautician in Mankato and commend her record of customer service, congratulating Martin Myers on receiving the 2018 Lifetime Achievement Award from the Russell Chamber of Commerce, celebrating Bill Fuller's 80th Birthday;

Senator Faust-Goudeau: recognizing International Rescue Committee's National Service Recognition Day, recognizing the Heartland Wichita Black Chamber of Commerce's 3rd Annual Black and White Ball;

Senator Francisco: recognizing the service of Gary Dee Kirkwood and congratulating him on being selected for the Kansas Honor Flight, congratulating Ruth Gathunguri on being named the 2018 Kansas Boys and Girls Club Youth of the Year;

Senator Hardy: celebrating Arline Roberts' 102nd Birthday, celebrating Mildred Mitchell's 100th Birthday, celebrating Amy Magdeburg's 100th Birthday, celebrating Evan Engle's 102nd Birthday, celebrating Ruth Weed's 100th Birthday, celebrating Letha McDowell's 102nd Birthday;

Senator Kelly: celebrating Ed Redmon's 91st Birthday, congratulating Hayden High School Boys Basketball on winning the 2018 Class 4A Division II State Championship, congratulating Zachary Patton on achieving the rank of Eagle Scout;

Senator Kerschen: congratulating Christopher Clear on achieving the rank of Eagle Scout, congratulating Robert Clear on achieving the rank of Eagle Scout;

Senator Lynn: congratulating Noah Fields on achieving the rank of Eagle Scout;

Senator McGinn: congratulating Halstead High School Boys Basketball on winning the 2018 Class 3A State Championship;

Senator Olson: congratulating Kresynda Robinson on receiving the Girl Scout Gold Award, congratulating Georgia Mitchell on receiving the Girl Scout Gold Award, congratulating Alaina Coughlin on receiving the Girl Scout Gold Award;

Senator Rogers: honoring the life of Robert G. "Bob" Hodgkinson;

Senator Schmidt: congratulating the winners of the Washburn Alumni Awards;

Senator Tyson: recognizing the extraordinary courage displayed by Seth Cummings; and

Senator Wilborn: celebrating Bernice Schletzbaum's 90th birthday.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, April 26, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

