

# Journal of the House

## FIFTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, April 4, 2019, 10:00 a.m.

The House met pursuant to adjournment with Speaker Ryckman in the chair.

The roll was called with 122 members present.

Rep. Frownfelter was excused on verified illness.

Reps. Mason and L. Ruiz were excused on excused absence by the Speaker.

Present later: Reps. Frownfelter and Mason.

Prayer by Rep. Sawyer:

Dear Father God:

We bow our heads before you this morning and  
ask you to grant us the...

WISDOM – we need as we debate and vote today;  
PATIENCE – help us to work together to solve the problems  
facing this state and its people,

RESPECT – Help us to debate our points vigorously  
but with respect for each other,

Help us to disagree agreeably when we do disagree,

REGRET – Please grant us the wisdom to not  
say anything we'll regret later,

OPPORTUNITY – And finally, we thank you for the  
opportunity to serve the people of Kansas.

In your great name we pray, Amen.

Pledge of Allegiance was led by Rep. Eric Smith.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2414**, AN ACT concerning sales taxation; relating to exemptions; the principle foundation; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Federal and State Affairs: **HB 2413**.

**MESSAGES FROM THE SENATE**

The Senate announced the appointment of Senators Lynn, Pilcher-Cook, and Holland to replace the Senators Estes, Olson, and Faust-Goudeau as conferees on **HB 2223**.

On motion of Rep. Hawkins, the House recessed until 10:40 a.m.

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**LATE MORNING SESSION**

The House met pursuant to recess with Speaker Ryckman in the chair.

**MESSAGES FROM THE SENATE**

The Senate adopts the Conference Committee report to agree to disagree on **SB 63**, and has appointed Senators Petersen, Goddard and Pettey as second conferees on the part of the Senate.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2033** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Johnson, Mason and Gartner as conferees on the part of the House.

On motion of Rep. Proehl, the House concurred in Senate amendments to **HB 2070**, AN ACT concerning roads and highways; designating a portion of United States highway 75 as the John Armstrong memorial highway and a bridge on United States highway 77 as the SGT Kevin A. Gilbertson memorial bridge; amending K.S.A. 68-1051 and repealing the existing section.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Frownfelter, Mason, Ruiz, L..

On motion of Rep. Seiwert, the House concurred in Senate amendments to **HB 2084**, AN ACT concerning the Kansas 911 act; relating to emergency services; 911 fees, collection and distribution; amending K.S.A. 2018 Supp. 12-5363, 12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371, 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378, 12-5380 and 19-101a and repealing the existing sections; also repealing K.S.A. 2018 Supp. 12-5327, 12-5338 and 12-5361.

On roll call, the vote was: Yeas 87; Nays 35; Present but not voting: 0; Absent or not voting: 3.

Yeas: Amyx, Arnberger, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Carlson, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Ellis, Eplee, Finch, Francis, French, Gartner, Hawkins, Hibbard, Highland, Hineman, Hoffman, Hoheisel, Holscher, Horn, Howard, Huebert, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Orr, Owens, Pannbacker, Parker, F. Patton, Phillips, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thompson, Toplikar, Waggoner, Warfield, Warren, Waymaster, Wheeler, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: Alcalá, Averkamp, Burris, Burroughs, Capps, Carlin, Carmichael, B. Carpenter, Dove, Erickson, Esau, Finney, Garber, Helgerson, Helmer, Henderson, Highberger, Hodge, Houser, Jacobs, Kuether, Landwehr, Ohaebosim, Ousley, Pittman, Rhiley, Straub, Thomas, Vickrey, Victors, Ward, Wasinger, Weigel, Whipple, Winn.

Present but not voting: None.

Absent or not voting: Frownfelter, Mason, Ruiz, L..

#### EXPLANATION OF VOTE

MR. SPEAKER: I support the NextGeneration 9-1-1 system. The GIS date and maintenance are critical to geospatially 911 call routing. **HB 2084** increases the monthly cell phone 911 fee from \$0.60 to \$0.90, 50% increase. The bill increases prepaid wireless 911 fee from 1.20% per retail purchase prepaid service to 2.06% per transaction. Being a state-wide bill, counties will not be exempt from the Kansas 911 act. Sumner 911 Director BJ Tracy, "An increase in 911 fees is imperative, I urge you to support the increase in monthly 911 fee to \$1.03/month." He only wanted \$1.03/month as originally provided, I Vote No. – BILL RHILEY

On motion of Rep. Highland, the House concurred in Senate amendments to **HB 2085**, AN ACT concerning water; relating to public water supply systems; municipal loans; reinstatement of rural water district benefit units; amending K.S.A. 65-163i and K.S.A. 2018 Supp. 82a-621 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, Carpenter, B., Carpenter, W., Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Garber, Gartner, Hawkins, Helgerson, Helmer,

Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: none.

Absent or not voting: Frownfelter, Mason, Ruiz, L..

On motion of Rep. Concannon, the House concurred in Senate amendments to **HB 2103**, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; placement of a child in a qualified residential treatment program; amending K.S.A. 2018 Supp. 23-2210, 38-2202, 38-2234 and 38-2264 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 38-2202, as amended by section 9 of chapter 107 of the 2018 Session Laws of Kansas.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, Carpenter, B., Carpenter, W., Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Jacobs, Rhiley.

Present but not voting: none.

Absent or not voting: Frownfelter, Mason, Ruiz, L..

On motion of Rep. Huebert, the House concurred in Senate amendments to **HB 2144**, AN ACT concerning community colleges; relating to publication of financial information; identification of transferable credits; amending K.S.A. 71-301 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carpenter, B.,

Carpenter, W., Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carmichael, Finney, Gartner, Highberger, Kuether, Ward.

Present but not voting: none.

Absent or not voting: Frownfelter, Mason, Ruiz, L..

On motion of Rep. Hawkins, the House recessed until 2:30 p.m.

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#### AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Finch in the chair.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2415**, AN ACT concerning health and healthcare; regulating the practice of medicine and surgery; prohibiting certain inquiries regarding patient firearm ownership, by Committee on Federal and State Affairs.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2160** and asked for a conference.

Speaker pro tem Finch thereupon appointed Reps. Johnson, Mason and Gartner as conferees on the part of the House.

On motion of Rep. Clark, the House concurred in Senate amendments to **HB 2365**, AN ACT concerning civil procedure and civil actions; relating to rules of evidence; peer support counseling session communication privilege; Kansas national guard members; amending K.S.A. 2018 Supp. 60-473 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel,

Holscher, Horn, Houser, Howard, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carmichael.

Present but not voting: None.

Absent or not voting: Huebert, Ruiz, L., Thompson.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 15** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 6; following line 6, by inserting:

"New Section 1. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a baccalaureate social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the baccalaureate level for at least 48 of the last 54 months immediately preceding the application, with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate degree in social work from a regionally accredited university.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the master's level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a master social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the master

level for at least 48 of the last 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a master's degree in social work from a regionally accredited university.

(c) Applicants for licensure as a specialist clinical social worker shall demonstrate:

(1) That the applicant meets the requirements of subsection (b);

(2) that the applicant is currently licensed to practice social work at the clinical level in another state; and

(3) competence to diagnose and treat mental disorders by meeting at least two of the following areas acceptable to the board:

(A) Passing a national clinical examination approved by the board;

(B) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

New Sec. 2. (a) If, in evaluating any applicant for licensure as a professional counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-5804a or 65-5807, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a professional counselor on a form and in a manner prescribed by the board. The board may issue a provisional license to practice professional counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice professional counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing professional counseling with a provisional license may not use the title "licensed professional counselor" or "licensed clinical professional counselor" or the initials "LPC" or "LCPC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 3. (a) If, in evaluating any applicant for licensure as a marriage and family therapist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6404 or 65-6406, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under

subsection (a) may apply to the board for provisional licensure as a marriage and family therapist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice marriage and family therapy. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice marriage and family therapy or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing marriage and family therapy with a provisional license may not use the title "licensed marriage and family therapist" or "licensed clinical marriage and family therapist" or the initials "LMFT" or "LCMFT," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 4. (a) If, in evaluating any applicant for licensure as a master's level psychologist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5363 or 74-5375, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for a provisional license as a master's level psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice master's level psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice master's level psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing master's level psychology with a provisional license may not use the title "licensed master's level psychologist" or "licensed clinical psychotherapist" or the initials "LMLP" or "LCP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 5. (a) If, in evaluating any applicant for licensure as a social worker, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6306, and amendments thereto, or section 1, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a social worker on a form and in a manner prescribed by the board. The board may issue a provisional license to practice social work. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice social work or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing social work with a provisional license may not use the title "licensed baccalaureate social worker," "licensed master's social worker" or "licensed specialist clinical social worker" or the initials "LBSW," "LMSW" or "LSCSW," independently. The word "licensed" may be used by such person only when preceded by



the word "provisional."

(d) This section shall be a part of and supplemental to the social workers licensure act.

New Sec. 6. (a) If, in evaluating any applicant for licensure as an addiction counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6610 or 65-6613, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as an addiction counselor on a form and in a manner prescribed by the board. The board may issue a provisional license to practice addiction counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice addiction counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing addiction counseling with a provisional license may not use the title "licensed addiction counselor," "licensed master's addiction counselor" or "licensed clinical addiction counselor" or the initials "LAC," "LMAC" or "LCAC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

(d) This section shall be a part of and supplemental to the addiction counselor licensure act.

New Sec. 7. (a) If, in evaluating any applicant for licensure as a psychologist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5310 or 74-5315, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing psychology with a provisional license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

Sec. 8. K.S.A. 65-5801 is hereby amended to read as follows: 65-5801. K.S.A. 65-5801 through ~~65-5816~~ 65-5818, and amendments thereto, and section 2, and amendments thereto, shall be known and may be cited as the professional counselors licensure act.

Sec. 9. K.S.A. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or

licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice professional counseling for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in counseling or a related field from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 10. K.S.A. 65-6309 is hereby amended to read as follows: 65-6309. (a) ~~Except as provided in subsections (b) and (c);~~ An applicant shall be exempted from the requirement for any examination provided for herein, if:

~~(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and~~

~~(2) pursuant to the laws of any such state or territory; the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.~~

~~(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:~~

~~(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or~~

~~(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:~~

~~(A) Licensure to practice social work at the clinical level for at least 60 of the last~~

~~66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;~~

~~(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and~~

~~(C) a master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.~~

~~(e) Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:~~

~~(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and~~

~~(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.~~

~~(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314, and amendments thereto, if required by the board.~~

~~(e) Upon application, the board shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.~~

~~(f)(c) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or ~~six~~ 12 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.~~

~~(g)(d) No person may work under a temporary license except under the supervision of a licensed social worker.~~

~~(h)(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.~~

~~(i)(f) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.~~

~~(g) A person practicing social work with a temporary license may not use the title "licensed baccalaureate social worker" or "licensed master social worker" or use the initials "LBSW" or "LMSW," independently. The word "licensed" may be used only when followed by the words "by temporary license."~~

Sec. 11. K.S.A. 65-6321 is hereby amended to read as follows: 65-6321. K.S.A. 65-6301 through ~~65-6320, and K.S.A. 65-6321, and amendments thereto, and sections 1 and 5, and amendments thereto,~~ shall be known and may be cited as the social workers licensure act.

Sec. 12. K.S.A. 65-6401 is hereby amended to read as follows: 65-6401. K.S.A. 65-6401 through ~~65-6412~~ 65-6414, and amendments thereto, ~~and section 3, and amendments thereto~~, shall be known and may be cited as the marriage and family therapists licensure act.

Sec. 13. K.S.A. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed marriage and family therapist by:

- (1) Paying an application fee as established by the board under K.S.A. 65-6411, and amendments thereto; and
- (2) meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and amendments thereto.

(b) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee ~~set as established by the board for issuance of new licenses under K.S.A. 65-6411, and amendments thereto.~~

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license.

(3) No temporary license ~~will~~ shall be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license," ~~such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.~~

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 14. K.S.A. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board;

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

- (A) Registration, certification or licensure to practice marriage and family therapy

for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree in marriage and family therapy or a related field as approved by the board from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

Sec. 15. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a marriage and family therapist, not to exceed \$150;

(2) for temporary licensure as a marriage and family therapist, not to exceed \$175;

(3) for original licensure as a marriage and family therapist, not to exceed \$175;

~~(3)~~(4) for renewal for licensure as a marriage and family therapist, not to exceed \$175;

~~(4)~~(5) for application for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(5)~~(6) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(6)~~(7) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(7)~~(8) for reinstatement of a license, not to exceed \$175;

~~(8)~~(9) for replacement of a license, not to exceed \$20;

~~(9)~~(10) for renewal penalty, an amount equal to the renewal of license; and

~~(10)~~(11) for a wallet card license, not to exceed \$5.

(b) Fees paid to the board are not refundable.

Sec. 16. K.S.A. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary license to practice as a licensed addiction counselor by:

(1) ~~Paying an application a~~ fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(a)(1), (a)(2) ~~and (a)(4) and (a)(5)~~, and amendments thereto.

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary license to practice as a licensed master's addiction counselor by:

(1) ~~Paying an application a~~ fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(b)(1)(A), (b) ~~(2) and (b)(4)(1)(B), (b)(1)(D) and (b)(1)(E)~~, and amendments thereto.

(c) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 12 months after the date of issuance of the temporary license.

(3) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license," ~~such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.~~

(e) No person may practice addiction counseling under a temporary license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

(f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

Sec. 17. K.S.A. 65-6613 is hereby amended to read as follows: 65-6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice as an addiction counselor for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate degree from a college or university approved by the board.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the clinical level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency;

(C) completion of at least a master's degree from a college or university approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat substance use disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6618, and amendments thereto, if required by the board.

Sec. 18. K.S.A. 74-5301 is hereby amended to read as follows: 74-5301. ~~This act K.S.A. 74-5301 through 74-5350, and amendments thereto, and section 7, and amendments thereto,~~ shall be known and may be cited as the licensure of psychologists act of the state of Kansas.

Sec. 19. K.S.A. 74-5310 is hereby amended to read as follows: 74-5310. (a) The board shall issue a license as a psychologist to any person who pays ~~an a nonrefundable~~ application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, ~~an a nonrefundable~~ original license fee not in excess of \$150, ~~which shall not be refunded,~~ who either satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) is of good moral character;
- (3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and
- (4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under subsection (a)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (a) (3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 20. K.S.A. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

- (1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or
- (2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:



(A) Registration, certification or licensure as a psychologist at the doctoral level for at least ~~60~~ <sup>48</sup> of the last ~~66~~ <sup>54</sup> months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board.

Sec. 21. K.S.A. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon application, the board may issue temporary licenses to persons who have met all qualifications for licensure under the provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, ~~who must wait for completion of the next examination,~~ who have paid the required application, ~~examination~~ and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) ~~Such temporary licensee shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board. Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the earlier of the date the board issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. No temporary license shall be renewed or issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;~~

(2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(3) no person may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(4) the fee for such temporary license may be fixed by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period ~~after~~

expiration;

(3) ~~temporary licensees shall take the license examination pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, subsequent to the date of issuance and prior to expiration of the temporary license unless there are extenuating circumstances approved by the board~~ no temporary license shall be issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in K.S.A. 74-5310(a)(4), and amendments thereto;

(5) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(6) no temporary licensee may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(7) the fee for a renewal of the temporary license may be fixed by the board and shall not exceed \$200 per issuance, and any such fee shall be established by rules and regulations adopted by the board.

(c) A person practicing psychology with a temporary license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used only when preceded by the word "temporary" ~~such as temporary licensed psychologist, or the initials "TLP."~~

(d) This section shall be part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (a) or (b) ~~or (e)~~.

Sec. 22. K.S.A. 74-5344 is hereby amended to read as follows: 74-5344. Nothing contained in the licensure of psychologists act of the state of Kansas shall be construed:

(a) To prevent qualified members of other professional groups such as, but not limited to, ministers, Christian Science practitioners, social workers and sociologists from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist" or "psychology";

(b) in any way to restrict any person from carrying on any of the aforesaid activities in the free expression or exchange of ideas concerning the practice of psychology, the application of its principles, the teaching of such subject matter and the conducting of research on problems relating to human behavior if such person does not represent such person or such person's services in any manner prohibited by such act;

(c) to limit the practice of psychology of a licensed masters level psychologist or a person who holds a temporary license to practice as a licensed masters level psychologist ~~insofar as such practice is a part of the duties of any such person's salaried position, and insofar as such practice is performed solely on behalf of such person's~~

employer, so long as such practice is under the direction of a licensed psychologist, licensed clinical psychotherapist, a person licensed by the state board of healing arts to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders or insofar as such person is engaged in public speaking with or without remuneration;

(d) to limit the practice of psychology or services of a student, intern or resident in psychology pursuing a degree in psychology in a school, college, university or other institution, with educational standards consistent with those of the state universities of Kansas if such practice or services are supervised as a part of such person's degree program. Nothing contained in this section shall be construed as permitting such persons to offer their services as psychologists to any other person and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of the licensure of psychologists act of the state of Kansas, registered under the provisions of K.S.A. 74-5361 ~~to~~ through 74-5371, ~~inclusive~~, and amendments thereto, or granted a temporary license under the provisions of K.S.A. 74-5367, and amendments thereto;

(e) to prevent the employment, by a person, association, partnership or a corporation furnishing psychological services for remuneration, of persons licensed as psychologists under the provisions of the licensure of psychologists act of the state of Kansas;

(f) to restrict the use of tools, tests, instruments or techniques usually denominated "psychological," so long as the user does not represent oneself to be a licensed psychologist or a licensed masters level psychologist;

(g) to permit persons licensed as psychologists to engage in the practice of medicine as defined in the laws of this state, nor to require such licensed psychologists to comply with the Kansas healing arts act;

(h) to restrict the use of the term "social psychologist" by any person who has received a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a school or college as defined in the licensure of psychologists act of the state of Kansas, and who has passed comprehensive examination in the field of social psychology as a part of the requirements for the doctoral degree or has had equivalent specialized training in social psychology;

(i) to restrict the practice of psychology by a person who is certified as a school psychologist by the state department of education so long as such practice is conducted as a part of the duties of employment by a unified school district or as part of an independent evaluation conducted in accordance with K.S.A. 72-3405, and amendments thereto, including the use of the term "school psychologist" by such person in conjunction with such practice; or

(j) to restrict the use of the term psychologist or the practice of psychology by psychologists not licensed under the licensure of psychologists act of the state of Kansas in institutions for people with intellectual disability, in a juvenile correctional facility, as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto, or in institutions within the department of corrections insofar as such term is used or such practice of psychology is performed solely in conjunction with such person's employment by any such institution or juvenile correctional facility.

(k) Any person not licensed as a psychologist but who immediately prior to the effective date of this act was engaged in the practice of psychology in accordance with subsection (e) as it existed immediately prior to the effective date of this act under the supervision of a licensed psychologist may continue on and after the effective date of this act to engage in such practice in the manner authorized by subsection (e) as it existed immediately prior to the effective date of this act.

Sec. 23. K.S.A. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the master's level in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) Registration, certification or licensure to practice psychology at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board.

Sec. 24. K.S.A. 74-5376 is hereby amended to read as follows: 74-5376. K.S.A. 74-5361 through ~~74-5374~~ and K.S.A. 74-5375, and amendments thereto, and section 4, and amendments thereto, shall be known and may be cited as the licensure of master's level psychologists act.

Sec. 25. K.S.A. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who:

(1) Has a baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

- (3) has satisfied the board that the applicant is a person who merits the public trust.
- (b) The board shall issue a license as a master social worker to an applicant who:
- (1) Has a master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;
  - (2) has passed an examination approved by the board for this purpose; and
  - (3) has satisfied the board that the applicant is a person who merits the public trust.
- (c) The board shall issue a license in one of the social work specialties to an applicant who:
- (1) Has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;
  - (2) has had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;
  - (3) has passed an examination approved by the board for this purpose; and
  - (4) has satisfied the board that the applicant is a person who merits the public trust.
- (d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:
- (A) Has met the requirements of subsection (c);
  - (B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;
  - (C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;
  - (D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ 100 hours of clinical supervision, including not less than 75 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;
  - (E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;
  - (F) for persons who apply for and are eligible for a temporary license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D)

of this subsection, has completed the education and training requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(3) Notwithstanding any other provision of this subsection, a licensed master social worker who has provided to the board an acceptable clinical supervision plan for licensure as a specialist clinical social worker prior to the effective date of this act shall be licensed as a specialist clinical social worker under this act upon completion of the requirements in effect for licensure as a specialist clinical social worker at the time the acceptable training plan is submitted to the board.

(4) A person licensed as a specialist clinical social worker on the day immediately preceding the effective date of this act shall be deemed to be a licensed specialist clinical social worker under this act. Such person shall not be required to file an original application for licensure as a specialist clinical social worker under this act.

(e) The board shall adopt rules and regulations establishing the criteria which a social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

Sec. 26. K.S.A. 2018 Supp. 39-923 is hereby amended to read as follows: 39-923.  
(a) As used in this act:

(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 healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven

days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential healthcare facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility

provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions—~~which~~ that require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, sublease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties—~~which~~ that hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit—~~which~~ that includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit—~~which~~ that includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a



lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 2018 Supp. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential healthcare facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h), and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(30) "Insolvent" means that the adult care home, or any individual or entity that operates an adult care home or appears on the adult care home license, has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

(b) The term "adult care home" ~~shall does~~ not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices ~~which that~~ are certified to participate in the medicare program under ~~42 code of federal regulations, chapter IV, C.F.R. § 418.1 et seq., and amendments thereto, and which that~~ provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under ~~42 code of federal regulations, chapter IV, part C.F.R. § 460 et seq., and amendments thereto, which that~~ provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing

licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential healthcare shall have the option of licensing for residential healthcare for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services ~~which that~~ shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 27. K.S.A. 2018 Supp. 39-927 is hereby amended to read as follows: 39-927. (a) An application for a license to operate an adult care home shall be made in writing to the licensing agency upon forms provided by ~~it~~ the licensing agency and shall be in such form and shall contain such information as the licensing agency shall require, which may include if applicable:

(1) A detailed projected budget for the first 12 months of operation, prepared in accordance with generally accepted accounting principles and certified by the principal officer of the applicant, accompanied by evidence of access to a sufficient amount of working capital required to operate the adult care home in accordance with the budget, in the form of cash on deposit, a line of credit, applicant's equity, or any combination thereof;

(2) a list of each current or previously licensed facility in Kansas or any other state, territory or country or the District of Columbia in which the applicant has or previously had any percentage of ownership in the operations or the real property of the facility; and

(3) affirmative evidence of the applicant's ability to comply with such reasonable standards and rules and regulations as are adopted under the provisions of this act.

(b) The application shall be signed by the person or persons seeking to operate an adult care home, as specified by the licensing agency, or by a duly authorized agent of any person so specified.

(c) Any nonprofit corporation operating a nursing facility for people with intellectual disability ~~which that~~, on the effective date of this act, includes more than one residential building located on one site or on contiguous sites may apply for a license to operate a new nursing facility for people with intellectual disability ~~which that~~ includes more than one residential building located on one site or on contiguous sites and may apply for one license for each residential building located on the new site, except that total resident population at any such location shall not exceed 75 residents.

Sec. 28. K.S.A. 2018 Supp. 39-931 is hereby amended to read as follows: 39-931. (a) Whenever the licensing agency finds a substantial failure to comply with the

requirements, standards or rules and regulations established under this act ~~or that a receiver has been appointed under K.S.A. 39-958, and amendments thereto,~~ it, the licensing agency shall make an order denying, suspending or revoking the license after notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. Any applicant or licensee who is aggrieved by the order may appeal such order in accordance with the provisions of the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(b) Except as provided in subsection (c), whenever the licensing agency denies, suspends or revokes a license under this section, the applicant or licensee shall not be eligible to apply for a new license or reinstatement of a license for a period of two years from the date of denial, suspension or revocation, and whenever the district court appoints a receiver under K.S.A. 39-958, and amendments thereto, the applicant or licensee that is under receivership shall not be eligible to apply for a new license or reinstatement of a license for a period of 10 years from the date the receivership action was terminated under K.S.A. 39-963, and amendments thereto.

(c) (1) Any applicant or licensee issued an emergency order by the licensing agency denying, suspending or revoking a license under this section may apply for a new license or reinstatement of a license at any time upon submission of a written waiver of any right conferred upon such applicant or licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto,~~ and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto,~~ to the licensing agency in a settlement agreement or other manner as approved by the licensing agency.

(2) Any licensee issued a notice of intent to take disciplinary action by the licensing agency under this section may enter into a settlement agreement or other manner as approved by the licensing agency, with the licensing agency, at any time upon submission of a written waiver of any right conferred upon such licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto,~~ and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto.~~

(d) No person shall operate an intermediate care facility for people with intellectual disability, as defined in K.S.A. 39-923, and amendments thereto, of five beds or less, ~~as defined by subsection (a)(4) of K.S.A. 39-923, and amendments thereto,~~ within this state unless such person:

- (A) Is issued a license by the licensing agency on or before January 1, 2012; or
- (B) participated in the medicaid program as an intermediate care facility for people with intellectual disability of five beds or less, on or before January 1, 2012.

Sec. 29. K.S.A. 2018 Supp. 39-931a is hereby amended to read as follows: 39-931a. (a) As used in this section, the term "person" means any person who is an applicant for a license to operate an adult care home or who is the licensee of an adult care home and who has any direct or indirect ownership interest ~~of 25% or more~~ in an adult care home or who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured, in whole or in part, by such facility or any of the property or assets of such facility, or who, if the facility is organized as a corporation, is an officer or director of the corporation, or who, if the facility is organized as a partnership, is a partner.

(b) Pursuant to K.S.A. 39-931, and amendments thereto, the licensing agency may deny a license to any person and may suspend or revoke the license of any person who:

(1) Has willfully or repeatedly violated any provision of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto;

(2) has had a license to operate an adult care home denied, suspended, revoked or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of such action of the other jurisdiction being conclusive evidence thereof;

(3) has failed or refused to comply with the medicaid requirements of title XIX of the social security act, or medicaid regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(4) has failed or refused to comply with the medicare requirements of chapter 7 of title 42 of the United States code, or medicare regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(5) has been convicted of a felony;

(6) has failed to assure that nutrition, medication and treatment of residents, including the use of restraints, are in accordance with acceptable medical practices;

(7) has aided, abetted, sanctioned or condoned any violation of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto; or

(8) has willfully admitted a person to a nursing facility in violation of K.S.A. 39-968, and amendments thereto.

Sec. 30. K.S.A. 39-955 is hereby amended to read as follows: 39-955. The application for receivership shall be filed in the Shawnee county district court or the district court in the county where the adult care home is located. The application shall be verified and set forth the specific reasons therefor.

Sec. 31. K.S.A. 39-956 is hereby amended to read as follows: 39-956. The applicant shall serve those persons set forth in K.S.A. 39-954, and amendments thereto, with copies of the application. Service of process shall be as provided for under the code of civil procedure. The applicant shall also send ~~five (5) copies~~ a copy of the application for receivership to the adult care home. The adult care home shall post ~~the copies of the application in a conspicuous place~~ place within the adult care home.

Sec. 32. K.S.A. 39-957 is hereby amended to read as follows: 39-957. A party shall file an answer to the application within five ~~(5)~~ days after the service of process of the application ~~upon such person~~.

Sec. 33. K.S.A. 2018 Supp. 39-958 is hereby amended to read as follows: 39-958. (a) The application for receivership shall be given priority by the district court and shall be heard no later than the seventh day following the filing of the application answer or other responsive pleading. A continuance of no more than ~~10~~ 14 days may be granted by the district court for good cause. The district court shall give all parties who have filed an answer the opportunity to present evidence pertaining to the application. If the district court finds that the facts warrant the granting of the application, the court shall appoint the secretary for aging and disability services or the designee of the secretary as receiver to operate the home.

(b) Upon the appointment of a receiver under this section, the receiver shall be

granted a license by the licensing agency to operate an adult care home as provided under the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto. The provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, relating to inspection prior to granting a license to operate an adult care home and relating to payment of license fees shall not apply to a license granted to a receiver under this section, and such license shall remain in effect during the existence of the receivership and shall expire on the termination of the receivership. ~~The receiver shall make application for the license on forms provided for this purpose by the licensing agency.~~

Sec. 34. K.S.A. 39-959 is hereby amended to read as follows: 39-959. (a) A receiver appointed in accordance with the provisions of this act shall have the following powers and duties:

- ~~(a)~~(1) Conduct the day to day business operations of the adult care home;
- (2) operate the adult care home to provide safe and adequate healthcare for the residents of the adult care home;
- (3) correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition or sanitation of the residents of the adult care home and that is life threatening or endangering;
- (4) provide for the orderly transfer of all residents of the adult care home to other adult care homes or make other provisions for such residents' continued safety and healthcare, as necessary;
- (5) be entitled to the immediate use of all proceeds of any accounts receivable to discharge the powers and duties of the receiver;
- (6) collect incoming payments from all sources and apply such payments to costs incurred in the performance of the receiver's powers and duties, including compensation of the receiver, if any;
- (7) enter into or terminate contracts as necessary to carry out the receiver's powers and duties and incur expenses for individual items for repairs, improvements or supplies, without being subject to any requirements to procure competitive bids established by law;
- (8) repay expenditures of the receiver from moneys appropriated to the Kansas department for aging and disability services for purposes set forth in K.S.A. 39-954 et seq., and amendments thereto, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties; and
- (9) other powers and duties as authorized or imposed by the district court.
- (b) If incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties, the receiver may:
  - (1) Pay post-receivership quality care assessments as established under Kansas law;
  - (2) reimburse the owner or licensee, as appropriate, a fair monthly rental for the adult care home, taking into account all relevant factors, including the condition of such adult care home and set-offs arising from improvements made by the receiver; and
  - ~~(c)~~(3) give fair compensation to the owner or licensee, as appropriate, for all property taken or used during the course of the receivership if such person has not previously received compensation for the property being taken or used;
  - ~~(d) correct or eliminate any deficiency in the adult care home that concerns the~~

health, safety, nutrition, or sanitation of the residents of the adult care home and is life threatening or endangering;

~~(e) enter into contracts as necessary to carry out his or her duties as receiver and incur expenses for individual items of repairs, improvements or supplies without the procurement of competitive bids, if otherwise required by law, where the total amount of such individual item does not exceed five hundred dollars (\$500);~~

~~(f) collect incoming payments from all sources and apply them to the costs incurred in the performance of his or her functions as receiver including the compensation of the receiver, if any;~~

~~(g) honor all existing leases, mortgages, chattel mortgages and security interests;~~

~~(h) operate the adult care home so as to provide safe and adequate health care for the residents of the adult care home;~~

~~(i) provide for the orderly transfer of all residents in the adult care home to other adult care homes or make other provisions for their continued safety and health care, as necessary;~~

~~(j) other powers and duties as authorized or imposed by the district court.~~

Sec. 35. K.S.A. 2018 Supp. 39-960 is hereby amended to read as follows: 39-960.

(a) The secretary for aging and disability services, upon request of a receiver, may authorize expenditures from moneys appropriated for purposes set forth in this act if incoming payments from the operation of the adult care home are less than the cost incurred by the receiver in the performance of the receiver's functions as receiver or for purposes of initial operating expenses of the receivership.

(b) Any payments made by the secretary for aging and disability services pursuant to this section shall be owed by the owner, operator or licensee, including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act, and repaid to the secretary for aging and disability services when the receivership is terminated pursuant to K.S.A. 39-963, and amendments thereto, and until repaid shall constitute a lien against all non-exempt personal and real property of the owner, operator or licensee.

Sec. 36. K.S.A. 2018 Supp. 39-961 is hereby amended to read as follows: 39-961.

(a) The personnel and facilities of the Kansas department for aging and disability services shall be available to the receiver for the purposes of carrying out the receiver's duties as receiver as authorized by the secretary for aging and disability services.

(b) The Kansas department for aging and disability services shall itemize and keep a ledger showing costs of personnel and other expenses establishing the receivership and assisting the receiver and such amount shall be owed by the owner, operator or licensee to the Kansas department for aging and disability services. Such department shall submit a bill for such expenses to the receiver for inclusion in the receiver's final accounting. Any amount so billed and until repaid shall constitute a lien against all ~~nonexempt~~ non-exempt personal and real property of the owner, operator or licensee, including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act.

Sec. 37. K.S.A. 2018 Supp. 39-963 is hereby amended to read as follows: 39-963.

(a) The court shall terminate the receivership only under any of the following circumstances:

- (1) Twenty-four months after the date on which the receivership was ordered;
- (2) a new license, other than the license granted to the receiver under K.S.A. 39-

958, and amendments thereto, has been granted to operate the adult care home; or

(3) at such time as all of the residents in the adult care home have been provided alternative modes of healthcare, either in another adult care home or otherwise.

(b) (1) At the time of termination of the receivership, the receiver shall render a full and complete accounting to the district court and shall make disposition of surplus money at the direction of the district court.

(2) The court may make such additional orders as are appropriate to recover the expenses and costs to the Kansas department for aging and disability services ~~and the secretary for children and families~~ incurred pursuant to K.S.A. 39-960 or 39-961, and amendments thereto.

Sec. 38. K.S.A. 65-7202 is hereby amended to read as follows: 65-7202. As used in K.S.A. 65-7201 ~~to through~~ 65-7218, ~~inclusive~~, and amendments thereto:

(a) "Naturopathic doctor" means a doctor of naturopathic medicine who is authorized and licensed pursuant to this act.

(b) ~~(1)~~ "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes, and includes: ~~(A)~~ Prescribing, recommending or administering: ~~(1)~~~~(i)~~ Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances, topical drugs as defined in subsection (i) ~~of this section, and amendments thereto;~~ ~~(2)~~~~(ii)~~ health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices; ~~(3)~~~~(iii)~~ substances on the naturopathic formulary ~~which that~~ are authorized for intramuscular or intravenous administration pursuant to a written protocol entered into with a physician who has entered into a written protocol with a naturopathic doctor licensed under ~~this act~~ the naturopathic doctor licensure act; ~~(4)~~~~(iv)~~ noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and orofacial examinations, excluding endoscopies; ~~(5)~~~~(v)~~ minor office procedures; and ~~(6)~~ ~~(vi)~~ naturopathic acupuncture; and (B) ordering diagnostic imaging studies, including, but not limited to, x-ray, ultrasound, mammogram, bone densitometry, computed tomography, magnetic resonance imaging and electrocardiograms, except that naturopathic doctors shall refer patients to an appropriately licensed and qualified, healthcare professional to conduct diagnostic imaging studies and interpret the results of such studies.

~~(2)~~ A naturopathic doctor may not perform surgery, obstetrics, administer ionizing radiation, or prescribe, dispense or administer any controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or any prescription-only drugs except those listed on the naturopathic formulary adopted by the board pursuant to this act.

(c) "Board" means the state board of healing arts.

(d) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that has been approved by the board under this act and which college and program requires at a minimum a four-year, full-time resident program of academic and clinical study.

(e) "Homeopathic preparations" means substances and drugs prepared according to the official homeopathic pharmacopeia recognized by the United States food and drug

administration.

(f) "Naturopathic acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin or both to treat human disease and impairment and to relieve pain.

(g) "Minor office procedures" means care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues, except eyes, and not involving blood vessels, tendons, ligaments or nerves. "Minor office procedures" includes use of antiseptics, but shall not include the suturing, repairing, alteration or removal of tissue or the use of general or spinal anesthesia. Minor office procedures does not include anesthetics or surgery.

(h) "Naturopathic physical applications" means the therapeutic use by naturopathic doctors of the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light, constitutional hydrotheraphy, naturopathic musculoskeletal technique and therapeutic exercise.

(i) "Topical drugs" means topical analgesics, antiseptics, scabicides, antifungals and antibacterials but does not include prescription only drugs.

(j) "Physician" means a person licensed to practice medicine and surgery.

(k) "Written protocol" means a formal written agreement between a naturopathic doctor licensed under this act and a person licensed to practice medicine and surgery. Any licensee of the board entering into a written protocol with a licensed naturopathic doctor shall notify the board in writing of such relationship by providing such information as the board may require.

Sec. 39. K.S.A. 65-7302 is hereby amended to read as follows: 65-7302. As used in this act:

(a) "Board" means the state board of healing arts.

(b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta particles, high speed electrons, protons, neutrons and other nuclear particles capable of producing ions directly or indirectly in its passage through matter.

(c) "License" means a certificate issued by the board authorizing the licensee to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.

(d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry or chiropractic in this state, or a person licensed as a physician assistant, advanced practice registered nurse or naturopathic doctor in this state.

(e) "Licensure" and "licensing" mean a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in a health related occupation or profession.

(f) "Nuclear medicine technologist" means a person who uses radio pharmaceutical agents on humans for diagnostic or therapeutic purposes.

(g) "Nuclear medicine technology" means the use of radio nuclides on human beings for diagnostic or therapeutic purposes.

(h) "Radiation therapist" means a person who applies radiation to humans for therapeutic purposes.

(i) "Radiation therapy" means the use of any radiation procedure or article intended



for the cure, mitigation or prevention of disease in humans.

(j) "Radiographer" means a person who applies radiation to humans for diagnostic purposes.

(k) "Radiography" means the use of ionizing radiation on human beings for diagnostic purposes.

(l) "Radiologic technologist" means any person who is a radiographer, radiation therapist or nuclear medicine technologist.

(m) "Radiologic technology" means the use of radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner. The term includes the practice of radiography, nuclear medicine technology and radiation therapy, but does not include echocardiography, diagnostic sonography and magnetic resonance imaging.

~~(n) This section shall take effect on and after July 1, 2005.~~

Sec. 40. K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 are hereby repealed."

Also on page 6, in line 8, by striking "statute book" and inserting "Kansas register";

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 all before the period and inserting "public health; relating to the behavioral sciences regulatory board; licensure requirements for certain behavioral sciences professions; naturopathic doctors; scope of practice; adult care homes; licensure; receivership; financial solvency; amending K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 and repealing the existing sections";

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

BRENDA LANDWEHR

JOHN EPLEE

MONICA MURNAN

*Conferees on part of House*

GENE SUELLENTROP

EDWARD BERGER

BARBARA BOLLIER

*Conferees on part of Senate*

On motion of Rep. Landwehr, the conference committee report on **SB 15** was adopted.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeyes, Clark, Clayton, Collins, Concannon, Corbet, Cox,

Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Rhiley.

Present but not voting: None.

Absent or not voting: Ruiz, L., Thompson.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 20** submits the following report:

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

On page 1, in line 18, after "(c)" by inserting "Any person filing a tribal court judgment shall pay to the clerk of the district court a docket fee as prescribed by K.S.A. 60-2001, and amendments thereto. Any additional fees or charges not specifically covered by the docket fee shall be assessed as additional court costs in the same manner and to the same extent as if the action had been originally commenced in the court where the tribal court judgment is filed.

(d) ";

On page 4, in line 26, by striking "2023" and inserting "2025";

On page 7, in line 29, by striking "2023" and inserting "2025";

On page 8, in line 9, by striking "2023" and inserting "2025"; following line 14, by inserting:

"Sec. 5. K.S.A. 2018 Supp. 21-6412 is hereby amended to read as follows: 21-6412. (a) Cruelty to animals is:

(1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;

(2) knowingly abandoning any animal in any place without making provisions for its proper care;

(3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;

(4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;

(5) knowingly but not maliciously killing or injuring any animal; or

(6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:

(1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than \$500 nor more than \$5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and

(2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and

(B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than \$500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) bona fide experiments carried on by commonly recognized research facilities;

(3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;

(4) rodeo practices accepted by the rodeo cowboys' association;

(5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time that may be found outside of the owned or rented property of the owner or custodian of such animal and that is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified ~~or, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county in which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court.~~ If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, ~~unless the owner or custodian of the animal files a renewable cash or performance bond with the county clerk of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for 30 days the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal.~~ Upon receiving such petition, the court shall determine whether the animal may be transferred.

(f) The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.

(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47-1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.";

On page 12, in line 1, by striking "2023" and inserting "2025";

On page 17, in line 23, by striking "2023" and inserting "2025";

On page 20, in line 20, by striking "2023" and inserting "2025";

On page 21, in line 22, by striking "2023" and inserting "2025";

On page 23, in line 4, by striking "2023" and inserting "2025"; in line 16, by striking "2023" and inserting "2025";

On page 24, in line 15, by striking "2023" and inserting "2025";

On page 25, in line 18, by striking "2023" and inserting "2025";

On page 27, in line 3, by striking "2023" and inserting "2025"; in line 15, by striking "2023" and inserting "2025";

On page 29, in line 22, by striking "2023" and inserting "2025";

On page 31, in line 43, by striking "2023" and inserting "2025";

On page 33, in line 20, by striking "2023" and inserting "2025";

On page 34, in line 15, by striking "2023" and inserting "2025"; in line 31, by striking "2023" and inserting "2025";

On page 36, in line 34, by striking "2023" and inserting "2025";

On page 37, in line 36, by striking "2023" and inserting "2025";

On page 38, in line 11, by striking "2023" and inserting "2025"; in line 26, by striking "2023" and inserting "2025"; in line 30, after the first comma by inserting "21-6412,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the third semicolon by inserting "procedures relating to criminal violations of cruelty to animals;"; in line 4, after the first comma by inserting "21-6412,";

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

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

*Conferees on part of House*

RICHARD WILBORN

ERIC RUCKER

VIC MILLER

*Conferees on part of Senate*

On motion of Rep. Patton, the conference committee report on **SB 20** was adopted.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins,

Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Ralph, Resman, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Jacobs, Rahjes, Rhiley.  
Present but not voting: None.  
Absent or not voting: Ruiz, L., Thompson.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 16** submits the following report:

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

On page 1, following line 7, by inserting:  
"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

State foundation aid (652-00-1000-0820).....\$92,659,017

*Provided*, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

KPERS – employer contributions – non-USDs (652-00-1000-0100).....\$1,597,147

*Provided*, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the KPERS – employer contributions – non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer contributions – USDs (652-00-1000-0110).....\$10,261,604

*Provided*, That any unencumbered balance in the KPERS – employer contributions –

USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2021, the following:

State foundation aid (652-00-1000-0820).....\$89,659,017

*Provided*, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

KPERS – employer contributions – non-USDs (652-00-1000-0100).....\$3,306,581

*Provided*, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions – non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer contributions – USDs (652-00-1000-0110).....\$21,247,425

*Provided*, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.";

Also on page 1, in line 29, by striking "6" and inserting "5"; by striking all in lines 30 through 36;

On page 2, by striking all in lines 1 through 17; by striking all in lines 28 through 43;

On page 3, by striking all in lines 1 through 36; in line 37, before "All" by inserting "(a)"; in line 38, by striking "1" and inserting "3"; in line 41, after "Reports." by inserting:

"(b) ";

Also on page 3, also in line 41, after "prepared" by inserting "pursuant to K.S.A. 72-1167 and 72-5171, and amendments thereto,";

On page 4, in line 2, by striking the period and inserting ", " and if a school operated by such school district has a separate website, then such reports shall be published for such school on such website with a link to such reports prominently displayed on the website homepage titled, "Accountability Reports.";

Also on page 4, following line 2, by inserting:

"(c) Each school district shall provide a link to the state department of education's webpage where the reports prepared pursuant to K.S.A. 72-5170, and amendments thereto, and section 3, and amendments thereto, for such school district and each school operated by such school district are published. The link shall be prominently displayed on the school district's accountability reports webpage.";

Also on page 4, by striking all in lines 3 through 16;

On page 7, in line 8, by striking "6" and inserting "5"; by striking all in lines 9 through 43;

By striking all on pages 8 and 9;

On page 10, by striking all in lines 1 through 7;

On page 13, in line 40, by striking "1 through"; also in line 40, after "3" by inserting "and 4";

On page 14, in line 31, by striking "\$4,302" and inserting "\$4,436"; in line 32, by striking "\$4,439" and inserting "\$4,569"; in line 33, by striking "\$4,576" and inserting "\$4,706"; in line 34, by striking "\$4,713" and inserting "\$4,846";

On page 20, following line 23, by inserting:

"(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

(a) For school year 2018-2019, one student;

(b) for school years 2019-2020 and 2020-2021,  $\frac{3}{4}$  of a student; and

(c) for school year 2021-2022 and each school year thereafter,  $\frac{1}{2}$  of a student.

(ii) This subparagraph (H) shall not apply to:

(a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or

(b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.";

On page 21, by striking lines 1 through 12; following line 12, by inserting:

"Sec. 11. K.S.A. 72-5142 is hereby amended to read as follows: 72-5142. (a) The board of education of each school district shall levy an ad valorem tax upon the taxable tangible property of the school district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the school district's general fund budget that is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the



educational interests of the state; and

(3) with respect to any redevelopment school district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school years ~~2017-2018~~ 2019-2020 and ~~2018-2019~~ 2020-2021.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose described in subsection (a)(3), shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(d) No school district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 12. K.S.A. 72-5153 is hereby amended to read as follows: 72-5153. (a) There is hereby established in every school district an at-risk education fund, which shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to providing at-risk student assistance or programs shall be paid from the at-risk education fund.

(b) Any balance remaining in the at-risk education fund at the end of the budget year shall be carried forward into the at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(c) Commencing in school year 2018-2019, expenditures from the at-risk education fund of a school district shall only be made for the following purposes:

(1) At-risk educational programs based on best practices identified pursuant to subsection (d);

(2) personnel providing educational services in conjunction with such programs; or

(3) services contracted for by the school district to provide at-risk educational programs based on best practices identified pursuant to subsection (d).

(d) ~~(1) On or before July 1, 2018,~~ The state board shall identify and approve evidence-based best practices for at-risk programs and instruction of students receiving at-risk program services. On and after July 1, 2019, such best practices shall include, but not be limited to, programs and services provided by state-based national nonprofit organizations that:

(A) Focus on students who are identified as students eligible to receive at-risk program services or who face other identifiable barriers to success;

(B) provide evidence-based instruction and support services to such students inside and outside the school setting; and

(C) evaluate outcomes data for students, including, but not limited to, school attendance, academic progress, graduation rates, pursuit of postsecondary education or

career advancement.

(2) The state board shall review and update such best practices as necessary and as part of its five-year accreditation system review process.

(e) Each year the board of education of each school district shall prepare and submit to the state board a report on the assistance or programs provided by the school district for students identified as at-risk eligible to receive at-risk program services. Such report shall include the number of students identified as at-risk eligible to receive at-risk program services who were served or provided assistance, the type of service provided, the research upon which the school district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

(f) In order to achieve uniform reporting of the number of students provided service or assistance by school districts in at-risk student programs, school districts shall report the number of students served or assisted in the manner required by the state board.

(g) As used in this section, the term "evidence-based instruction" means an education delivery system based on peer-reviewed research that consistently produces better student outcomes over a five-year period than would otherwise be achieved by the same students who are receiving at-risk program services."

Also on page 21, in line 40, by striking "6" and inserting "5";

On page 22, in line 4, by striking "6" and inserting "5";

On page 25, in line 1, by striking all after "(d)"; by striking all in lines 2 through 4; in line 5, by striking "(e)"; in line 6, by striking "6" and inserting "5";

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

Also on page 25, in line 31, by striking "2022" and inserting "2021"; in line 33, by striking "2022" and inserting "2021";

On page 27, in line 36, after "graduates" by inserting ", boys and girls club";

On page 28, by striking all in lines 21 through 43;

By striking all on page 29;

On page 30, by striking all in lines 1 and 2;

On page 34, by striking all in lines 6 through 43;

By striking all on pages 35 and 36;

On page 37, by striking all in lines 1 through 34;

On page 40, following line 1, by inserting:

"Sec. 19. K.S.A. 2018 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2017~~ 2019 and ~~2018~~ 2020, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-5142, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.";

Also on page 40, in line 2, by striking ", 72-3422"; in line 3, by striking "72-5150" and inserting "72-5142, 72-5153"; also in line 3, by striking ", 72-5461"; by striking the last comma; in line 4, by striking all before "and"; also in line 4, after "72-8193" by inserting "and K.S.A. 2018 Supp. 79-201x";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon, by inserting "making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education;"; also in line 2, by striking ", 72-3422"; in line 3, by

striking "72-5150" and inserting "72-5142, 72-5153"; also in line 3, by striking all after "72-5193"; in line 4, by striking "5461"; also in line 4, by striking ", 72-6147, 72-6487"; also in line 4, after "72-8193" by inserting "and K.S.A. 2018 Supp. 79-201x";

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

KRISTEY WILLIAMS

KYLE HOFFMAN

VALDENIA WINN

*Conferees on part of House*

MOLLY BAUMGARDNER

JIM DENNING

ANTHONY HENSLEY

*Conferees on part of Senate*

On motion of Rep. Williams, the conference committee report on **SB 16** was adopted.

On roll call, the vote was: Yeas 76; Nays 47; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Baker, Ballard, Benson, Bishop, Burroughs, Carlin, Carlson, Carmichael, Clark, Clayton, Concannon, Cox, Croft, Curtis, Dierks, Dietrich, Ellis, Eplee, Finney, Frownfelter, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Hoheisel, Holscher, Horn, Howard, Jennings, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, S., Samsel, Sawyer, Schreiber, Smith, A., Stogsdill, Victors, Ward, Warfield, Warren, Waymaster, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Nays: Amberger, Awerkamp, Barker, Bergquist, Blex, Burris, Capps, B. Carpenter, W. Carpenter, Claeys, Collins, Corbet, Delperdang, Donohoe, Dove, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, Landwehr, Mason, Owens, Rhiley, Ryckman, Seiwert, Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Wasinger, K. Williams.

Present but not voting: None.

Absent or not voting: Ruiz, L., Thompson.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I cannot support a plan that is fundamentally flawed and fiscally irresponsible. Kansans deserve real solutions and responsible management of their resources.

We've heard a lot of complaints in this chamber over the years about something called the glide-path to zero. Make no mistake, this bill is a glide path to BELOW ZERO. A path that will lead our state into bankruptcy. I will be voting no on **SB 16**. – DANIEL R. HAWKINS, CHARLOTTE ESAU

MR. SPEAKER: I vote no on **SB 16**. The work that has been started for mental health should remain a priority in the education of our children and the well being of their families. The success in just a few short months is beyond impressive. Lives have been

improved and literally saved. Families, schools and five mental health agencies have worked together to heal and protect children.

It is a sad day in Kansas when satisfying trial lawyers and lawsuits is more important than funding a program to save our children. – BRENDA K. LANDWEHR

MR. SPEAKER: I vote no on **SB 16**. I cannot vote for an education funding bill that will create, once again, one of the highest tax increases ever. The third tax increase ordered by the Kansas Supreme Court while I have been in office.

Our fiscal forecast shows us soon underwater, yet we say nothing about this when it comes to racking up over a quarter billion dollars in new spending. We vote like we have no care in future fiscal solvency of this state, since that now rests in the hands of the Kansas Supreme Court and no longer in the hands of the Kansas Legislature.

How much will the text books cost us that makes that change in teaching how the 3 branches of our government operate? – ERIC L. SMITH, TREVOR JACOBS

MR. SPEAKER: I vote no on **SB 16**. Today, the Kansas House of Representatives chose to increase school budgets in lieu of ending the crisis within DCF, in lieu of ending the 8-year wait list for disabled Kansans, in lieu of ending State of Emergency in our prison system. Instead of taking a stand for our constitutional responsibility to appropriate, this body chose to fold. At what point is the body going to stand up and Legislate for what is right for Kansas instead of Legislating for re-election? You know the saying, one man's junk is another man's treasure? Well one agency's inflation adjustment is life saving money for another. – STEPHEN OWENS, LEO G. DELPERDANG

MR. SPEAKER: The Governor herself has stated the only way to pay for this plan in the out years is to reamortize KPERs. There are a number of current and retired public employees in my district and they deserve better than to have their retirement endangered in order to pay off a group of trial attorneys. I vote no on **SB 16**. – KEN CORBET, RON HIGHLAND, JOHN TOPLIKAR

MR. SPEAKER: I vote NO on **House Substitute for Senate Bill 16**. In 2017, I voted for SB 19, and in 2018, I voted for SB 423 & SB 61, which added over \$850 million in FY 2023. It has been made clear that the State of Kansas cannot fund **H Sub for SB 16** in the out years. I do want this litigation to end, but it's clear that the Supreme Court does not. I've learned from my last two votes that the Supreme Court just keeps moving the goal post. I was elected to be a problem solver, not one to wave a white flag. This is simply irresponsible spending. – TORY MARIE ARNBERGER

MR. SPEAKER: Ensuring schools spend their money first on teachers and classrooms to raise student achievement should be priority #1. Beautiful facilities and extra-curricular activities should be secondary to the needs of students the Supreme Court says we are failing. According to KSDE, "without the important foundation of the classroom, the whole education system is doomed to failure." In addition, including an automatic CPI-U increase is irresponsible and unbalanced policy that will lead to other functions of government left to suffer. Mr. Speaker, I vote no on **House Substitute SB 16**. – KRISTEY WILLIAMS

MR. SPEAKER: I proudly vote "yes" on **SB 16**. Today's vote exemplifies our State motto: **#AdAstraPerAspera**. For those opposed, we hear you. Let's work in earnest to

improve student outcomes. For those in support, please LISTEN closely to opponents. For our learned Justices, **SB16** is our sincere effort to comply with our Constitution. Please honor our branch's role in governing the State's purse; otherwise a constitutional storm is brewing. For our educators, today's majority trusts your local leadership and control. Please prove us right. For my fellow Kansans: Republicans DO support public education. But have valid concerns often ignored. Today is a proud day for Kansas and her kids. – MARK SAMSEL

MR. SPEAKER: I vote no on **SB 16**. We've seen several K-12 funding plans this session that I could've supported resoundingly and voted an enthusiastic YES. Bills that responded specifically to address the Court's concerns. Bills that targeted money to special-ed and the lowest performing students. Bills that included remedies for bullied students and those suffering emotionally. Bills that will not bankrupt our state in three years. Bills with accountability. I wanted to vote for those. I've the greatest desire for litigation to be over. I have the greatest desire for K-12 schools to be well-funded and for students to excel. I don't believe **SB 16** will do either. – SUSAN HUMPHRIES, KYLE D. HOFFMAN, BARB WASINGER

MR. SPEAKER: I am voting “No” on **SB 16** because I have said to my constituents, now is the time to draw a line in the sand. The ransom that the KNEA and the Kansas Supreme Court demands of this body must end. I will vote for no more increases in education funding until we have accountability of the funding already allocated and when I see some necessary changes in school operations to move our children forward in life; not stuck in mediocracy. **SB 16** was a great start to education reform but not now to pay another four years of ransom. – DAVID W. FRENCH

MR. SPEAKER: I vote NO on **House Sub for SB 16**. Funding public education is important to this state and citizens. But so is properly funding our public safety net programs, our prison system, roads and mental health. Guaranteeing hundreds of millions of dollars in perpetual increases in K-12 spending is asking for a budget crisis.

Further, spending without accountability betrays taxpayers. I would have supported the original House Bill with its targeted spending, genuine educational reforms and certification of money going to the classroom. The bill we have before us today has none of this. It is thus, not in the long-term best interest of my district or our state. – PAUL WAGGONER, BILL RHILEY SR.

## CHANGE OF CONFEREES

Reps. Landwehr, Eplee, and Murnan are appointed to replace Reps. Vickrey, Cox, and Neighbor as members of the conference committee on **SB 67**.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2416**, AN ACT concerning income taxation; relating to credits; creating the Kansas targeted employment act, by Committee on Taxation.

**HB 2417**, AN ACT concerning income taxation; relating to corporations; net operating loss carryforward period; amending K.S.A. 2018 Supp. 79-32,143 and repealing the existing section, by Committee on Taxation.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6023** reported correctly enrolled and properly signed on April 4, 2019.

On motion of Rep. Hawkins, the House adjourned until 10:00 a.m., Friday, April 5, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

